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CITY OF OAKLAND



13 JUL 18 AM 11:56

ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
Barbara Parker
City Attorney

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July 30, 2013

HONORABLE CITY COUNCIL
Oakland, California

Subject: Liberty Mutual Insurance Company as Subrogee of Laurence
and Michelle Zak
City Attorney File No. C29456 (Public Works Agency – Sewers)

President Kernighan and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled claim for the sum of Fourteen Thousand Eight Hundred Thirty-Nine Dollars and Seventy-Two Cents (\$14,839.72), payable to Liberty Mutual Insurance Company.

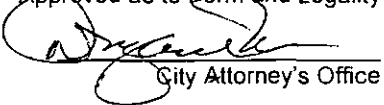
This action arises out of a September 22, 2012 incident in which the City's sanitary sewer main backed up and untreated effluent flooded the property of the claimant's insured located at 7047 Exeter Drive. Settlement of this matter is recommended to avoid the risk of litigation. This matter was heard in closed session on July 30, 2013.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Barbara J. Parker'.

BARBARA J. PARKER
City Attorney

1180200


City Attorney's Office

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RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF LIBERTY MUTUAL INSURANCE COMPANY, CITY ATTORNEY'S CLAIM NO. C29456, IN THE AMOUNT OF FOURTEEN THOUSAND EIGHT HUNDRED THIRTY-NINE DOLLARS AND SEVENTY-TWO CENTS (\$14,839.72) (PUBLIC WORKS AGENCY-SEWERS)

WHEREAS, on September 22, 2012, the City's sanitary sewer main backed up and sewage flooded the property located at 7047 Exeter Drive, and

WHEREAS, the claimant filed the above entitled claim seeking subrogation damages for said damages, and

WHEREAS, the City of Oakland has determined that settlement in this amount, without an admission of liability, is in the best interest of the City; now therefore, be it

RESOLVED: That the City Attorney is authorized and directed to settle the claim of Liberty Mutual Insurance Company as subrogee of Laurence and Michelle Zak, our file C29456, for the sum of Fourteen Thousand Eight Hundred Thirty-Nine Dollars and Seventy-Two Cents (\$14,839.72) payable to Liberty Mutual Insurance Company, and be it

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps as may be necessary to effect said settlement; and be it

FURTHER RESOLVED: that the sum of Fourteen Thousand Eight Hundred Thirty-Nine Dollars and Seventy -Two Cents (\$14,839.72) be made payable to Liberty Mutual Insurance Company.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, AND PRESIDENT KERNIGHAN

NOES -
ABSENT -
ABSTENTION -

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council of the City of
Oakland, California