12 OCT 31 PM 2: 49   # CITY OF OAKLAND

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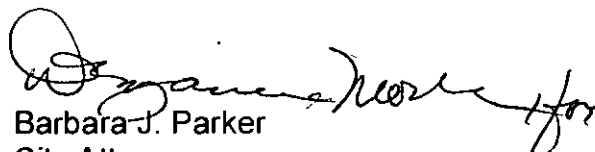TDD: (510) 839-6451

November 13, 2012

HONORABLE CITY COUNCIL
Oakland, California

President Larry Reid and Members of the City Council

SUBJECT: Claim of Samantha and Gary Wise
File Number: C29082

Pursuant to Section 401 of the Charter, the City Attorney has prepared and recommends settlement of the above-entitled claim for the sum of Twenty Six Thousand Dollars ($26,000.00), payable to Samantha and Gary Wise as a result of sewer flood damage to the claimants' rental property located at 2435 90th Avenue. The flooding was caused by surcharging the City's sewer main line. This matter was heard in closed session on November 13, 2012.

Respectfully submitted,

Barbara J. Parker
City Attorney

1028353

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

BJP: MC

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF SAMANTHA AND GARY WISE, IN THE AMOUNT OF $26,000.00, AS A RESULT OF PROPERTY DAMAGE SUSTAINED CAUSED BY AN OBSTRUCTED CITY SEWER MAIN. (Public Works Agency)

WHEREAS, on April 13, 2012, the City's sanitary sewer main backed up and sewage flooded the property located at 2435 90th Ave; and

WHEREAS, Samantha and Gary Wise filed a claim to recover damages caused by the April 13, 2012 flooding of the property located at 2435 90th Ave; 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 and now,

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the claim of Samantha and Gary Wise, our file number C29082, for the sum of Twenty Six Thousand Dollars ($26,000.00) payable to Samantha and Gary Wise.

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

FURTHER RESOLVED: That the sum of Twenty Six Thousand Dollars ($26,000.00) payable to Samantha and Gary Wise Is approved.

In Council, Oakland, California, _____, 2012

PASSED BY THE FOLLOWING VOTE:

AYES-   BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, BRUNNER, AND PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

Attest: _____

LaTonda Simmons
CITY CLERK AND CLERK OF THE COUNCIL
OF THE CITY OF OAKLAND, CALIFORNIA

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