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CITY OF OAKLAND



13 MAY -8 AM 11:07  
ONE FRANK H. OGAWA PLAZA • 6<sup>TH</sup> FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney  
Barbara Parker  
City Attorney

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May 21, 2013

HONORABLE CITY COUNCIL  
Oakland, California

Subject: Claim of Liberty Mutual Insurance Company  
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 Nine Thousand Eight Hundred Thirty-Nine Dollars and Seventy-Two Cents (\$9,839.72), payable to Liberty Mutual Insurance Company

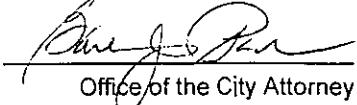
This action arises out of a September 22, 2012 incident in which the City's sanitary sewer main backed up and untreated effluent flooded the property located at 7047 Exeter Drive. Settlement of this matter is recommended to avoid the risk of litigation. This matter was heard in closed session on Tuesday, May 21, 2013.

Respectfully submitted,

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

BARBARA J. PARKER  
City Attorney

1129763

  
Office of the City Attorney

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OAKLAND

13 MAY -8 AM 11:07 **OAKLAND CITY COUNCIL**

RESOLUTION No. \_\_\_\_\_ C.M.S.

BJP

**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 NINE THOUSAND EIGHT HUNDRED THIRTY NINE DOLLARS AND SEVENTY-TWO CENTS (\$9,839.72) (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 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 matter of Liberty Mutual Insurance Company v. City of Oakland, our file C29456, for the sum of Nine Thousand Eight Hundred Thirty- Nine Dollars and Seventy-Two Cents (\$9,839.72) 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 Nine Thousand Eight Hundred Thirty-Nine Dollars and Seventy-Two Cents (\$9,839.72) be made payable to Liberty Mutual Insurance Company.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

**NOES -**

**ABSENT -**

**ABSTENTION -**

**ATTEST:** \_\_\_\_\_  
**LATONDA SIMMONS**  
City Clerk and Clerk of the Council  
of the City of Oakland, California