

SEP 20 2005 1:53

CITY OF OAKLAND



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September 20, 2005

HONORABLE CITY COUNCIL
Oakland, California

President De La Fuente and Members of the City Council

Subject: Resolution Authorizing Settlement of
Claim of Irwin Eskanos & Jeff Schwartz dba Leamington Property
File Number: C24436

Pursuant to Section 401 of the Charter, the City Attorney has prepared and recommends settlement of the above-entitled claim for the sum of Eighteen Thousand Two Hundred Twenty Five Dollars and No Cents (\$18,225.00), payable to Irwin Eskanos & Jeff Schwartz dba Leamington Property as a result of sewer flood damage to claimants' property and tree root damage to claimants' sewer lateral. The flooding was caused by a clogged City sewer main and roots from a City tree. (Public Works Agency) This was not a closed session item.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Russo".

JOHN A. RUSSO
City Attorney

2005 SEP -6 PM 3:43

RESOLUTION No. _____

C.M.S.

JAR: END

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF IRWIN ESKANOS & JEFF SCHWARTZ DBA LEAMINGTON PROPERTY, IN THE AMOUNT OF \$18,225.00, AS A RESULT OF PROPERTY DAMAGE SUSTAINED DUE TO A SEWER FLOOD CAUSED BY A CLOGGED CITY SEWER MAIN AND DAMAGE TO SEWER LATERAL CAUSED BY A CITY TREE. (OPW)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the claim of Irwin Eskanos & Jeff Schwartz dba Leamington Property, our claim number C24436, for the sum of Eighteen Thousand Two Hundred Twenty Five Dollars and No Cents (\$18,225.00), payable to Irwin Eskanos & Jeff Schwartz dba Leamington Property.

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 Eighteen Thousand Two Hundred Twenty Five Dollars and No Cents (\$18,225.00), be paid to Irwin Eskanos & Jeff Schwartz dba Leamington Property.

In Council, Oakland, California, _____, 2005

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, BROOKS, NADEL, QUAN, REID, AND PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

Attest: _____

LATONDA SIMMONS
CITY CLERK AND CLERK OF THE COUNCIL OF THE
CITY OF OAKLAND, CALIFORNIA