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CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6<sup>TH</sup> FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney  
Barbara Parker  
City Attorney

(510) 238-3601  
FAX: (510) 238-6500  
TDD: (510) 839-6451

March 1, 2016

HONORABLE CITY COUNCIL  
Oakland, California

**Subject: Claim of St. John's Episcopal Church**  
City Attorney File No. 30323,  
(Oakland Public Works—Sewer)


President Gibson McElhaney 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 remainder of the above-entitled claim for Seven Hundred Seventy-One Thousand Nine Hundred Thirty-Three Dollars and Seventy Cents (\$771,933.70), payable to St. John's Episcopal Church.

This claim stems from damages which St. John's claims that it occurred as a result of a City sewer event.

The Council authorized settlement of this case in Closed Session on Tuesday, December 8, 2015 (moved by Councilmember Campbell-Washington and seconded by Councilmember Noel Gallo - 8 Ayes).

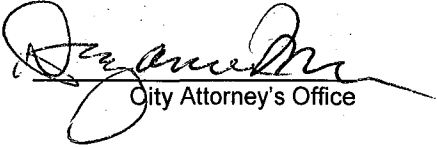
Respectfully submitted,

  
BARBARA J. PARKER  
City Attorney

Assigned Attorney:  
David Pereda

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Approved as to Form and Legality

  
City Attorney's Office

## OAKLAND CITY COUNCIL

Resolution No. \_\_\_\_\_ C.M.S.

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**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE REMAINDER OF ST. JOHN'S EPISCOPAL CHURCH'S CLAIM AND CHURCH INSURANCE COMPANY'S CLAIM AGAINST THE CITY OF OAKLAND, CITY ATTORNEY'S FILE NO. 30323, IN THE AMOUNT OF SEVEN HUNDRED SEVENTY-ONE THOUSAND NINE HUNDRED THIRTY-THREE DOLLARS AND SEVENTY CENTS (\$771,933.70) (OAKLAND PUBLIC WORKS—SEWER)**

**WHEREAS**, St. John's Episcopal Church alleges that it incurred damages as a result of a City sewer; and

**WHEREAS**, St. John's Episcopal Church has presented a claim against the City and Church Insurance Company presented a subrogation claim against the City related to the same incident; and

**WHEREAS**, without admitting fault or wrongdoing, the City has previously determined to compromise and settle part of St. John's claim against it for the sum of Ninety Thousand Five Hundred Sixty-Six Dollars and Thirty Cents (\$90,566.30) payable by the City of Oakland; now, therefore, be it

**WHEREAS**, without admitting fault or wrongdoing, the City has determined to compromise and settle the remainder of St. John's claim against it, and Church Insurance Company's claim against the City, for the total sum of Seven Hundred Seventy-One Thousand Nine Hundred Thirty-Three Dollars and Seventy Cents (\$771,933.70) payable by the City of Oakland; now, therefore, be it

**RESOLVED:** That the City of Oakland is authorized and directed to compromise and settle the remainder of St. John's claim, City Attorney's File No. 30323, for a sum not to exceed Seven Hundred Twenty-One Thousand Nine Hundred Thirty-Three Dollars and Seventy Cents (\$771,933.70); and be it

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

**FURTHER RESOLVED:** That the sum of Seven Hundred Twenty-One Thousand Nine Hundred Thirty-Three Dollars and Seventy Cents (\$771,933.70) be paid to St. John's Episcopal Church (\$696,933.70) and to Church Insurance Company (\$75,000).

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, REID AND  
PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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