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CITY OF OAKLAND



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

Office of the City Attorney
Barbara J. Parker
City Attorney

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November 13, 2012

HONORABLE CITY COUNCIL
Oakland, California

President Larry Reid and Members of the City Council

Subject: Claim of Terilynn and Felipe Gudino
File Number: C28974

Pursuant to **Section 401** of the Charter, the City Attorney has prepared and recommends settlement of the above-entitled claim for the sum of Eleven Thousand Eight Hundred Twenty Three and 37/100 Dollars (\$11,823.37) payable to Terilynn and Felipe Gudino as a result of main sewer surcharge causing property damage to the claimant's home located at 10306 Foothill Blvd. This matter was heard in closed session on November 13, 2012.

Respectfully submitted,

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

Barbara J. Parker
City Attorney

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OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

Approved as to Form and Legality

Oakland City Attorney's Office

BJP:EY

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF TERILYNN AND FELIPE GUDINO, IN THE AMOUNT OF \$11,823.37, AS A RESULT OF PROPERTY DAMAGE SUSTAINED CAUSED BY RAW SEWAGE SURCHARGE. (Public Works Agency)

WHEREAS, on April 13, 2012, the City's main sewer line surcharged causing sewage to enter the claimant's home.

WHEREAS, Terilynn and Felipe Gudino filed a claim to recover damages caused by the April 13, 2012, flooding of the property located at 10306 Foothill Blvd; 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 case of Terilynn and Felipe Gudino, our file number C28974 for the sum of Eleven Thousand Eight Hundred Twenty Three and 37/100 Dollars (\$11,823.37) payable to Terilynn and Felipe Gudino.

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 Eleven Thousand Eight Hundred Twenty Three and 37/100 Dollars (\$11,823.37) 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