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CITY OF OAKLAND



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December 9, 2014

HONORABLE CITY COUNCIL
Oakland, California

Subject: Diana Montes and Jeremy Leeds
City Attorney File No. C30134 (Public Works Department – Trees)

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 Seven Thousand Seven Hundred Twenty Seven Dollars and Fifty Cents (\$7,727.50), payable to Diana Montes and Jeremy Leeds.

This action arises out of an April 4, 2014 incident in which the City's tree trimmers damaged the property at 964 54th Street with an aerial lift. Settlement of this matter is recommended to avoid the risk of litigation.

The Council authorized settlement of this case in Closed Session on Tuesday, November 18, 2014 (moved by Councilmember Reid and seconded by Councilmember Kaplan – 8 Ayes).

Respectfully submitted,

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

BARBARA J. PARKER
City Attorney

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Douglas Moore
Office of the City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIMS OF DIANA MONTES AND JEREMY LEEDS, CITY ATTORNEY'S CLAIM NO. C30134, IN THE AMOUNT OF SEVEN THOUSAND SEVEN HUNDRED TWENTY SEVEN DOLLARS AND FIFTY CENTS (\$7,727.50) (PUBLIC WORKS DEPARTMENT - TREES)

WHEREAS, on April 4, 2014, the City's tree trimming crew damaged claimants' property at 964 54th Street, and

WHEREAS, the claimant filed the above entitled claim seeking reimbursement 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 claims of Diana Montes and Jeffery Leeds, our file C30134, for the sum of Seven Thousand Seven Hundred Twenty Seven Dollars and Fifty Cents (\$7,727.50) payable to Diana Montes and Jeremy Leeds, 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 Seven Thousand Seven Hundred Twenty Seven Dollars and Fifty Cents (\$7,727.50) be made payable to Diana Montes and Jeremy Leeds.

IN COUNCIL, OAKLAND, CALIFORNIA

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