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Office of the City Attorney
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City Attorney

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November 5, 2013

HONORABLE CITY COUNCIL
Oakland, California

Subject: Claim of Blesilda Alcantara
City Attorney Claim File No. C29545 (Public Works Agency–Sewer
Overflow)

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 Two Hundred Twenty Nine Dollars and Eighty-Three Cents (\$9,229.83), payable to Blesilda Alcantara.

This action arises out of a March 18, 2013 incident in which the City's sanitary sewer main backed up and untreated effluent flooded the residence of Belsilda Alcantara at 2058 Rosedale Ave. Settlement of this matter is recommended to avoid the risk of litigation. This matter was heard in closed session on November 5, 2013.

Respectfully submitted,

A handwritten signature in cursive script that reads "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

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Office of the City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

BJP

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF BLESILDA ALCANTARA, CITY ATTORNEY'S CLAIM NO. C29545, IN THE AMOUNT OF NINE THOUSAND TWO HUNDRED TWENTY NINE DOLLARS AND EIGHTY-THREE CENTS (\$9,229.83) (PUBLIC WORKS AGENCY- SEWER OVERFLOW)

WHEREAS, the claimant alleges that on **March 18, 2013**, the City sewer main backed up and sewage flooded the property located at **2058 Rosedale Avenue**, and

WHEREAS, the claimant filed the above entitled claim seeking payment 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 claim of Blesilda Alcantara, our file **C29545**, for the sum of **Nine Thousand Two Hundred Twenty Nine Dollars and Eighty-Three Cents (\$9,229.83)**, payable to **Blesilda Alcantara**, 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 Two Hundred Twenty Nine Dollars and Eighty-Three Cents (\$9,229.83)**, be made payable to **Blesilda Alcantara**.

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