

12 JUN -6 PM 2:12

CITY OF OAKLAND



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

Office of the City Attorney
Barbara J. Parker
City Attorney

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

June 19, 2012


HONORABLE CITY COUNCIL
Oakland, California

President Larry Reid and Members of the City Council

SUBJECT: Claim of Michael & Isabel Herman
File number: C28925 (Obstructed Sewer Main Line)
Public Works Agency

Pursuant to Section 401 of the Charter, the City Attorney has prepared and recommends settlement of the above-entitled claim for the sum of Twelve Thousand Seven Hundred Seventy Eight Dollars and Thirty Two Cents (\$12,778.32), payable to Michael and Isabel Herman as a result of sewer flood damage to the claimant's home located at 5532 Manila Ave. The flooding was caused by a clog in the City's sewer main line. This is not a closed session item.

Respectfully submitted,


Barbara J. Parker
City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality


Office of the City Attorney

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OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

BJP: DH

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF MICHAEL AND ISABEL HERMAN, IN THE AMOUNT OF \$ 12,778.32, AS A RESULT OF PROPERTY DAMAGE SUSTAINED CAUSED BY AN OBSTRUCTED CITY SEWER MAIN. (Public Works Agency)

WHEREAS, on March 14, 2012, the City's sanitary sewer main backed up and sewage flooded the property located at 5532 Manila Street; and

WHEREAS, Michael and Isabel Herman filed a claim to recover damages caused by the March 14th, flooding of the property located at 5532 Manila Ave; 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 claim of Michael And Isabel Herman, our file number C28925, for the sum of Twelve Thousands Seven Hundred Seventy Eight Dollars and Thirty Two Cents (\$12,778.32) payable to Michael and Isabel Herman.

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 Twelve Thousand Seven Hundred Seventy Eight Dollars and Thirty Two Cents (\$12,778.32) is approved.

In Council, Oakland, California, _____, 2011_____

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