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City Attorney's Office

# OAKLAND CITY COUNCIL

Resolution No. 85505 C.M.S.

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF EAST BAY MUNICIPAL UTILITY DISTRICT V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG15-758444, IN THE AMOUNT OF EIGHTEEN THOUSAND SIX HUNDRED FIFTY DOLLARS AND 46 CENTS (\$18,650.46) AS A RESULT OF A CITY STORM DRAIN INFRASTRUCTURE PROJECT CAUSING DAMAGE TO A WATER MAIN ON OR ABOUT SEPTEMBER 19, 2013 (PUBLIC WORKS AGENCY - DANGEROUS CONDITION/STORM DRAINS)**

**WHEREAS**, As part of a City project, the City installed storm drain infrastructure at 2233 Arrowhead Drive directly above an E.B.M.U.D. water main causing damages to the water main requiring repairs on or about September 19, 2013 as a result of the City's actions; and

**WHEREAS**, Alameda County Superior Court Action RG15-758444 was filed against the City of Oakland alleging negligence; and

**WHEREAS**, In order to avoid the risk of an adverse jury verdict under the circumstances; now therefore, be it

**RESOLVED**: That the City Attorney is authorized and directed to compromise and settle the case of East Bay Municipal Utility District v. City of Oakland, City Attorney's File No. 30104, for the sum of Eighteen Thousand Six Hundred Fifty Dollars and 46 Cents (\$18,650.46); 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 Eighteen Thousand Six Hundred Fifty Dollars and 46 Cents (\$18,650.46) be payable to Plaintiff E.B.M.U.D. and its attorneys Crosby & Rowell, LLP.

IN COUNCIL, OAKLAND, CALIFORNIA,  
PASSED BY THE FOLLOWING VOTE

APR 21 2015

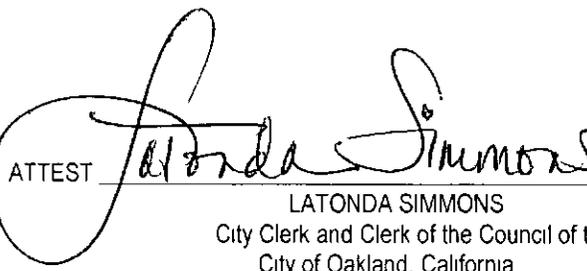
AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, ~~REID~~ AND PRESIDENT GIBSON  
MCELHANEY - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Reid - 1

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