

CITY ATTORNEY'S OFFICE

2022 OCT 20 PM 4: 35

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

RESOLUTION NO. 89470 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF JOAN MCCLOSKEY V. CITY OF OAKLAND, AND DOES 1-25, INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. HG20068494, CITY ATTORNEY'S FILE NO. 31049, IN THE AMOUNT OF THREE HUNDRED AND TEN THOUSAND DOLLARS AND NO CENTS (\$310,000.00) (DEPARTMENT OF PUBLIC WORKS – INVERSE CONDEMNATION)

WHEREAS, Plaintiff alleges that a clogged City storm drain inlet caused flooding and a collapse of a dirt slope, causing the damage to Plaintiff's residential property at 4400 Whittle Avenue, on or about January 19, 2016 and February 21, 2017; and

WHEREAS, Plaintiff filed *Joan McCloskey v. City of Oakland, et al.*, Alameda County Superior Court Case No. HG20068494 against the City of Oakland alleging inverse condemnation, nuisance, and negligence, claiming property damage, loss of use, emotional distress, and attorneys' fees and costs; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise Plaintiff McCloskey's claim for the sum of Three Hundred and Ten Thousand Dollars and no Cents (\$310,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of *Joan McCloskey v. City of Oakland, et al.*, Alameda County Superior Court Case No. HG20068494, City Attorney's File No. 31049 for the sum of Three Hundred and Ten Thousand Dollars and no Cents (\$310,000.00); 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.

IN COUNCIL, OAKLAND, CALIFORNIA, **NOV 1 2022**

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND

PRESIDENT FORTUNATO BAS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:

ASIA REED

City Clerk and Clerk of the Council of the
City of Oakland, California