


CITY ATTORNEY'S OFFICE

2023 FEB 23 PM 4: 54

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

RESOLUTION NO. 89610 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF CALIFORNIA CAPITAL INSURANCE COMPANY AS SUBROGEE OF THE GEE FAMILY TRUST V. CITY OF OAKLAND AND DOES 1 THROUGH 25, INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. 22CV015984, CITY ATTORNEY FILE NO. 35070, IN THE AMOUNT OF SIXTY FOUR THOUSAND AND SIX HUNDRED FIVE DOLLARS AND EIGHTY-THREE CENTS (\$64,605.83) (DEPARTMENT OF PUBLIC WORKS – INVERSE CONDEMNATION)

WHEREAS, On January 24, 2022, a City sewer main below the intersection at 5 Monte Cresta Avenue and Kelton Court allegedly became blocked, causing raw sewage to back up into the toilet and bathtub of Plaintiff California Capital Insurance Company's ("CCIC") insured's apartment; and

WHEREAS, CCIC filed suit entitled *California Capital Insurance Company as subrogee of the Gee Family Trust v. City of Oakland and DOES 1-25*, Alameda County Superior Court Case No. 22CV015984 alleging negligence, inverse condemnation, trespass, nuisance, and dangerous condition of public property; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromised CCIC's claims for the sum of Sixty-Four Thousand Six Hundred Five Dollars and Eighty-Three Cents (\$64,605.83); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of *California Capital Insurance Company as subrogee of the Gee Family Trust v. City of Oakland and DOES 1-25*, Alameda County Superior Court Case No. 22CV015984, for the sum of Sixty-Four Thousand Six Hundred Five Dollars and Eighty-Three Cents (\$64,605.83); 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,

MAR 7 2023

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND PRESIDENT FORTUNATO BAS 8

NOES - 0
ABSENT - 0
ABSTENTION - 0

ATTEST:



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