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APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89074 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF FRANK K. BERFIELD V. FREDERICK WYNN; GREENWICH LOGISTICS, LLC, A DELAWARE CORPORATION, DBA 1-800 COURIER; 1-800 COURIER BROKERS, LLC, A DELAWARE CORPORATION; CITY OF OAKLAND; AND DOES 1 THROUGH 100, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG20063846, CITY ATTORNEY'S FILE NO. 33849, IN THE AMOUNT OF TWO HUNDRED THOUSAND DOLLARS AND NO CENTS (\$200,000.00) ARISING FROM A JUNE 30, 2019 AUTO ACCIDENT INVOLVING A MOTORCYCLIST AND A VAN AT THE INTERSECTION OF GRASS VALLEY ROAD AND SUN VALLEY DRIVE IN OAKLAND, CALIFORNIA (DEPARTMENT OF TRANSPORTATION - DANGEROUS CONDITION OF PUBLIC PROPERTY)

WHEREAS, a motorcycle driven by Plaintiff Frank Berfield collided with a van driven by Defendant Frederick Wynn on June 30, 2019 at the intersection of Grass Valley Road and Sun Valley Drive; and

WHEREAS, the accident occurred in an area where Grass Valley Road is lined by numerous eucalyptus trees; and

WHEREAS, Alameda County Superior Court Case No. RG20063846 was filed against the City and others, alleging that the trees along Grass Valley Road interfered with the lines of sight of Frank Berfield and Frederick Wynn and constituted a dangerous condition of public property which was a substantial factor in causing the accident, and alleging that Plaintiff Berfield suffered personal injuries as a result of the accident, including a broken right ankle and a broken right forearm; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise Frank Berfield's claim against it for the sum of Two Hundred Thousand Dollars and No Cents (\$200,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Frank Berfield v. City of Oakland, et al., Alameda County Superior Court Case No. RG20063846, City Attorney's File No. 33849, for the sum of Two Hundred Thousand Dollars and No Cents (\$200,000.00); 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,

MAR 15 2022

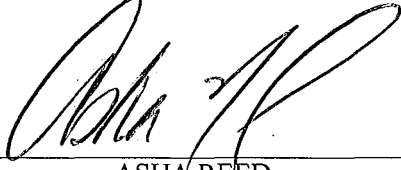
PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, ~~WILLIAMS~~, KALB, KAPLAN, REID, TAYLOR, ~~WILLIAMS~~ AND
PRESIDENT FORTUNATO BAS - 6

NOES - 0
ABSENT - 0
ABSTENTION - 0

Excused - 2 *Gallo & Thaw*

ATTEST:



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