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CITY OF OAKLAND



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January 17, 2006

HONORABLE CITY COUNCIL
Oakland, California

President De La Fuente and Members of the City Council

Subject: Resolution Authorizing Settlement of
Claim of USAA Insurance as subrogee for Leonard O. Smith
File Number: C24944

Pursuant to Section 401 of the Charter, the City Attorney has prepared and recommends settlement of the above-entitled claims for the sum of Eight Thousand Seven Hundred Eighty Nine Dollars and Sixty Six Cents (\$8,789.66), payable to USAA Insurance as subrogee for Leonard O. Smith as a result of damages to their insured's vehicle caused by a fallen tree limb from a City tree on June 09, 2005. This was not a closed session item.

Respectfully submitted,

A handwritten signature in cursive script that reads "John A. Russo".

JOHN A. RUSSO
City Attorney

Robert S. Hall
Oakland City Attorney's Office

OFFICE OF THE CITY CLERK
OAKLAND

2006 JAN -5 PM 2:39

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

JAR: GDH

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF USAA INSURANCE AS SUBROGEE FOR LEONARD O. SMITH, IN THE AMOUNT OF \$8,789.66, AS A RESULT OF PROPERTY DAMAGE SUSTAINED DUE TO A TREE LIMB FAILURE THAT CAUSED DAMAGE TO USAA INSURED'S VEHICLE ON JUNE 09, 2005 (Public Works Agency)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of USAA Insurance as subrogee for Leonard O. Smith, our file number C24944, for the sum of Eight Thousand Seven Hundred Eighty Nine Dollars and Sixty Six Cents (\$8,789.66), payable to USAA Insurance as subrogee for Leonard O. Smith.

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 Eight Thousand Seven Hundred Eighty Nine Dollars and Sixty Six Cents (\$8,789.66), be paid to USAA Insurance as subrogee for Leonard O. Smith.

In Council, Oakland, California, _____,

PASSED BY THE FOLLOWING VOTE:

AYES- Brooks, Brunner, Chang, Kernighan, Nadel, Quan, Reid, and President De La Fuente

NOES-

ABSENT-

ABSTENTION-

Attest: _____

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