


CITY ATTORNEY'S OFFICE

2022 SEP 30 PM 4: 06

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

RESOLUTION NO. 89424 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF CALIFORNIA CAPITAL INSURANCE COMPANY AS SUBROGEE OF 350 FOURTH STREET LLC V. CITY OF OAKLAND, AND DOES 1 THROUGH 25, INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG21102644, CITY ATTORNEY FILE NO. 34451, IN THE AMOUNT OF FORTY-FIVE THOUSAND DOLLARS AND NO CENTS (\$45,000.00) (DEPARTMENT OF PUBLIC WORKS - INVERSE CONDEMNATION)

WHEREAS, Plaintiff California Capital Insurance Company as subrogee of 350 Fourth Street LLC alleges their insured, located at 350 4th Street, Oakland, CA 94607, sustained real property damage caused by a sewer main overflow; and

WHEREAS, Plaintiff filed a lawsuit entitled *California Capital Insurance Company as subrogee of 350 Fourth Street LLC v. City of Oakland, et al.*, Alameda County Superior Court Case No. RG21102644 alleging negligence, inverse condemnation, trespass, nuisance, and dangerous condition of public property; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise the claim of California Capital Insurance Company as subrogee of 350 Fourth Street LLC's for the sum of Forty-Five Thousand Dollars and no Cents (\$45,000.00); 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 350 Fourth Street LLC v. City of Oakland, et al.*, Alameda County Superior Court Case No. RG21102644, for the sum of Forty-Five Thousand Dollars and No Cents (\$45,000.00); and be it

FURTHER RESOLVED: That the City Attorney is authorized and directed to take steps that may be necessary to effectuate said settlement.

IN COUNCIL, OAKLAND, CALIFORNIA, **OCT 4 2022**

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, ~~WIND~~ KALB, KAPLAN, REID, TAYLOR, THAO AND PRESIDENT FORTUNATO BAS - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 1 (Gallo)

ATTEST:



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