

OFFICE OF THE CITY ATTORNEY
OAKLAND

CITY OF OAKLAND



13 APR 25 PM 3: 20

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Office of the City Attorney
Barbara Parker
City Attorney

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May 7, 2013

HONORABLE CITY COUNCIL
Oakland, California


Subject: Claim of Sui Bill Lee
City Attorney's Claim No. C29454
(Public Works Agency – City Trees Roots)

President Kernighan and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled claim for the sum of Six Thousand Eight Hundred Forty and 00/100 Dollars (\$6,840.00), payable to Sui Bill Lee.

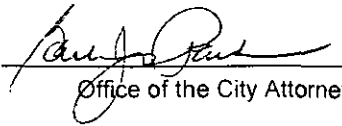
This action arises out of an October 18, 2012 incident in which roots from an "official" City tree damaged Mr. Lee's property located at 3636 Redwood Road. Settlement of this matter is recommended to avoid the risk of litigation. This matter was heard in closed session on Tuesday, May 7, 2013.

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Investigator assigned:
Edie Yamamura

FILED
OFFICE OF THE CITY CLERK
OAKLAND


Office of the City Attorney

2013 APR 25 PM 3:59

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

BJP:EY

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF SUI BILL LEE, CITY ATTORNEY'S CLAIM NO. C29454, IN THE AMOUNT OF SIX THOUSAND EIGHT HUNDRED FORTY AND 00/100 DOLLARS (\$6,840.00) (PUBLIC WORKS AGENCY – CITY TREE ROOTS)

WHEREAS, on October 18, 2012, roots from an "official" City tree damaged the claimant's property located at 3636 Redwood Road, and

WHEREAS, the claimant filed the above entitled claim seeking payment for said damages, and

WHEREAS, the City of Oakland has determined that settlement in this amount, without an admission of liability, is in the best interest of the City; now therefore, be it

RESOLVED: that the City Attorney is authorized and directed to settle the matter of Sui Bill Lee v. City of Oakland, our file C29454, for the sum of Six Thousand Eight Hundred Forty and 00/100 Dollars (\$6,840.00) payable to Sui Bill Lee, 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; and be it

FURTHER RESOLVED: that the sum of Six Thousand Eight Hundred Forty and 00/100 Dollars (\$6,840.00) be made payable to Sui Bill Lee.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, SCHAAF, REID AND PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California