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CITY OF OAKLAND



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Office of the City Attorney
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City Attorney

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March 3, 2015

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Vernon Walker v. City of Oakland
Alameda Superior Court Case No. RG14734012
City Attorney File No. 29402
(Public Works Department – Dangerous Condition)**

President McElhaney 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 Ten Thousand Dollars and No Cents (\$10,000.00), to be paid to Sarah L. Lawrence & Associates, In Trust for Vernon Walker.

This action arises out of plaintiff Vernon Walker's July 31, 2012 bicycle accident around the 1300 Block of 60th Avenue in Oakland. Plaintiff alleges that the accident was caused by a Dangerous Condition of Public Property under § 835 of California's Government Code.

The Council authorized settlement of this case in Closed Session on Tuesday, February 17, 2015 (moved by Councilmember Reid and seconded by Councilmember Gallo – 8 Ayes).

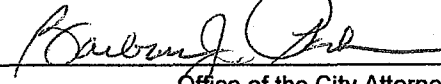
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Barbara J. Parker', written over a circular stamp.

BARBARA J. PARKER
City Attorney

Attorney assigned:
Wendy M. Garbers

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Office of the City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF VERNON WALKER V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG14734012, CITY ATTORNEY'S FILE NO. 29402, IN THE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000.00) (PUBLIC WORKS DEPARTMENT – DANGEROUS CONDITION)

WHEREAS, Plaintiff Vernon Walker alleges that his July 31, 2012 bicycle accident was caused by the dangerous condition of the road; and

WHEREAS, Plaintiff Vernon Walker filed the above referenced action to recover monetary damages for his alleged injuries; and

WHEREAS, Without admitting fault or wrongdoing, the City has determined to compromise and settle Plaintiff Vernon Walker's claim against it for the sum of Ten Thousand Dollars and No Cents (\$10,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Vernon Walker v. City of Oakland, Alameda County Superior Court Case No. RG14734012, City Attorney's File No. 29402, for a sum not to exceed Ten Thousand Dollars and No Cents (\$10,000.00) payable by the City of Oakland; and be it

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps necessary to effect said settlement; and be it

FURTHER RESOLVED: That the sum of Ten Thousand Dollars and No Cents (\$10,000.00) be paid to Sarah L. Lawrence & Associates, In Trust For Vernon Walker.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID AND PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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