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CITY OF OAKLAND



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Office of the City Attorney
John A. Russo
City Attorney

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June 15, 2010

HONORABLE CITY COUNCIL
Oakland, California

President Brunner and Members of the City Council

Subject: Resolution Authorizing Settlement of
Claim of David Yetter and Elizabeth Berry
File Number: C27412

Pursuant to Section 401 of the Charter, the City Attorney has prepared and recommends settlement of the above-entitled claim for the sum of One Hundred Sixty-Three Thousand Two Hundred and Seven Dollars and Three Cents (\$163,207.03), payable to David Yetter and Elizabeth Berry, and their attorney, Andrew Wiener, as a result of sewer flood damage to their property on July 6, 2009. The flooding was caused by a failed City sewer main. (Public Works Agency) This was a closed session item.

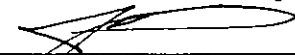
Respectfully submitted,

A handwritten signature in black ink, appearing to be 'J. Russo', written over a horizontal line.

JOHN A. RUSSO
City Attorney

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Approved as to Form and Legality


Oakland City Attorney's Office

2010 JUN -3 PM 3:12 OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

JAR: GDH

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF DAVID YETTER AND ELIZABETH BERRY IN THE AMOUNT OF \$163,207.03, AS A RESULT OF PROPERTY DAMAGE SUSTAINED DUE TO AN OBSTRUCTED CITY SEWER MAIN ON JULY 6, 2009 (PUBLIC WORKS AGENCY)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of David Yetter and Elizabeth Berry, and their attorney, Andrew Wiener. Our file number C27412, for the sum of One Hundred Sixty-Three Thousand Two Hundred and Seven Dollars and Three Cents (\$163,207.03), payable to David Yetter and Elizabeth Berry, and their attorney, Andrew Wiener.

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 One Hundred Sixty-Three Thousand Dollars and No Cents (\$163,207.03), be paid to David Yetter and Elizabeth Berry, and their attorney Andrew Wiener.

In Council, Oakland, California, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KERNIGHAN, KAPLAN, NADEL, QUAN,
REID, WAN AND PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

Attest: _____

LaTonda Simmons
CITY CLERK AND CLERK OF THE COUNCIL
OF THE CITY OF OAKLAND, CALIFORNIA