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CITY OF OAKLAND



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July 29, 2014

HONORABLE CITY COUNCIL  
Oakland, California

**Subject: BART v. City of Oakland (Francis Love)  
Alameda County Superior Court Case No. RG11601786  
City Attorney File No. 29181  
Public Works - Contract Dispute**

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 eleven thousand five hundred dollars and no cents (\$11,500.00), payable to the Bay Area Rapid Transit District.

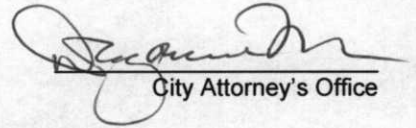
This action arises out of a settlement that BART paid Francis Love's for her damages that were allegedly caused by the sidewalk in front of the Lake Merritt BART station.

The Council authorized settlement of this case in Closed Session on Tuesday, June 17, 2014, moved by Councilmember Noel Gallo and seconded by Councilmember Lynette Gibson McElhaney - 7 Ayes, 1 Absent.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Barbara J. Parker'.

BARBARA J. PARKER  
City Attorney

  
City Attorney's Office

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

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# OAKLAND CITY COUNCIL

Resolution No. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT V. CITY OF OAKLAND (FRANCIS LOVE), ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG11601786, CITY ATTORNEY'S FILE NO. 29181, FOR A SUM NOT TO EXCEED ELEVEN THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$11,500) (PUBLIC WORKS—CONTRACT DISPUTE)**

**WHEREAS**, the San Francisco Bay Area Rapid Transit District alleges that it incurred damages as a result of a breach of contract; and

**WHEREAS**, the San Francisco Bay Area Rapid Transit District settled a personal injury action brought by Francis Love and then filed a cross-complaint against the City of Oakland for indemnity and breach of contract; and

**WHEREAS**, without admitting fault or wrongdoing, the City has determined to compromise and settle the San Francisco Bay Area Rapid Transit District's claims against it for the sum of eleven thousand five hundred dollars and no cents (\$11,500.00) payable by the City of Oakland; now, therefore, be it

**RESOLVED:** That the City of Oakland is authorized and directed to compromise and settle the case of San Francisco Bay Area Rapid Transit District v. City of Oakland (Francis Love), Alameda County Superior Court Case No. RG11601786, City Attorney's File No. 29181, for a sum not to exceed sixty-nine thousand seven hundred fifty dollars and no cents (\$11,500.00); 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 eleven thousand five hundred dollars and no cents (\$11,500.00) be paid to San Francisco Bay Area Rapid Transit District.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

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