

APPROVED AS TO FORM AND LEGALITY

Barbara J. Parker

CITY ATTORNEY'S OFFICE

2024 JAN 25 PM 4:42

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

RESOLUTION NO. 90097 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF SEMINARY HAVENSCOURT LP, CITY ATTORNEY FILE NO. C34946, IN THE AMOUNT OF SIXTY THOUSAND EIGHT HUNDRED THIRTY-ONE DOLLARS AND TWENTY-SIX CENTS (\$60,831.26) (DEPARTMENT OF PUBLIC WORKS – FAILED STORM DRAIN)

WHEREAS, Seminary Havenscourt LP (“Seminary”) claims that during a period of heavy rain, a storm drain located at 66th Avenue and International Boulevard backed up and caused flooding onto the sidewalk and into two apartments and common areas of Seminary’s apartment building; and

WHEREAS, Seminary alleges that the flooding caused substantial damage to Seminary’s property; and

WHEREAS, Seminary 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 compromise and settle the claim of Seminary Havenscourt LP, City Attorney’s File No. C34946, for the sum of Sixty Thousand Eight Hundred Thirty-One Dollars and Twenty-Six Cents (\$60,831.26); and be it

FURTHER RESOLVED: That the City Administrator is authorized and directed to issue settlement payments as negotiated by the City Attorney with Seminary; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: **FEB 06 2024**

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND PRESIDENT FORTUNATO BAS **-8**

NOES **7**
ABSENT **7**
ABSTENTION **7**

ATTEST:

Ashtia Reed
ASHTIA REED
City Clerk and Clerk of the Council of the
City of Oakland, California