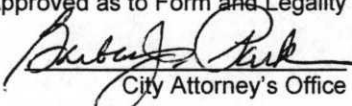


FILED
OFFICE OF THE CITY CLERK
OAKLAND

14 AUG 11 AM 11:43

Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION RESCINDING RESOLUTION NO. 85093 AND AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF GERALD AND CHRISTINA GRAY, CITY ATTORNEY FILE NO. C29678, IN THE AMOUNT OF THREE HUNDRED EIGHTY-TWO THOUSAND TWO HUNDRED TWENTY-TWO DOLLARS AND THIRTEEN CENTS (\$382,222.13) (PUBLIC WORKS – SEWER OVERFLOW)

WHEREAS, claimants Gerald and Christina Gray allege a massive sewage backup damaged their home; and

WHEREAS, claimants Gerald and Christina Gray filed the above-referenced claim to recover monetary damages for the property damage; and

WHEREAS, on July 15, 2014 the City Council passed Resolution No. 85093 C.M.S., authorizing compromise and settlement of the claim in the amount of Three Hundred Seventy-Two Thousand Two Hundred Twenty-Two Dollars and Thirteen Cents (\$372,222.13), of which Two Hundred Seventy-Seven Thousand Dollars (\$277,000.00) was payable to the Grays and Ninety-Five Thousand Two Hundred Twenty-Two Dollars and Thirteen Cents (\$95,222.13) was payable to Balfour Property Restoration; and

WHEREAS, on July 29, 2014, the Council passed a motion to reconsider the aforesaid Resolution No. 85093 C.M.S., and in accordance with the Council's Rules of Procedure Resolution, Resolution No. 85093 was placed on the August 13, 2014 Council agenda for reconsideration, thereby suspending the taking effect of such resolution to the extent possible; and

WHEREAS, after reconsidering Resolution No. 85093 on August 13, 2014, the Council did not pass a motion to approve that resolution; and

WHEREAS, the City Council wishes to compromise and settle Claimants Gerald and Christina Gray's claim against it for the sum of Three Hundred Eighty Two Thousand Two Hundred Twenty Two Dollars and Thirteen Cents (\$382,222.13), including a payment to claimants of Two Hundred Eighty-Seven Thousand Dollars (\$287,000.00) and a payment of Ninety-Five Thousand Two Hundred Twenty-Two Dollars and Thirteen Cents (\$95,222.13) to Balfour Property Restoration; now, therefore, be it

RESOLVED: That to clarify the record, the City Council hereby rescinds Resolution No. 85093, C.M.S.; and be it

FURTHER RESOLVED: That the City Attorney is authorized and directed to compromise and settle the claim of Gerald and Christina Gray and John S. Claassen, Attorney of Record, our file no. C29678, for a sum not to exceed Three Hundred Eighty-Two Thousand Two Hundred Twenty-Two Dollars and Thirteen Cents (\$382,222.13), payable as follows: Two Hundred Eighty-Seven Thousand Dollars and No Cents (\$287,000.00) to Gerald and Christina Gray and John S. Claassen, Attorney of Record, and Ninety-Five Thousand Two Hundred Twenty Two Dollars and Thirteen Cents (\$95,222.13) to Balfour Property Restoration; 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; and be it

FURTHER RESOLVED: That the sum of Two Hundred Eighty-Seven Thousand Dollars and No Cents (\$287,000.00) be paid to Gerald and Christina Gray and John S. Claassen, Attorney of Record, and the sum of Ninety-Five Thousand Two Hundred Twenty-Two Dollars and Thirteen Cents (\$95,222.13) be paid to Balfour Property Restoration.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSONMCELHANEY, 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