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CITY OF OAKLAND



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ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
John A. Russo
City Attorney
Jannie Wong, Deputy City Attorney

September 16, 2008

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HONORABLE CITY COUNCIL
Oakland, California

President De La Fuente and Members of the City Council:

**Subject: John and Jean Bouey v. City of Oakland, et al.
Alameda County Superior Court Action No. RG07307959
City Attorney File No. 25392 (Public Works Agency)**

Pursuant to Section 401 of the Charter, the City Attorney has prepared a resolution authorizing and recommends settlement of the above-captioned matter, for the sum of Seven Thousand Five Hundred Dollars and No Cents (\$7,500.00), payable to Plaintiffs John and Bonnie Jean Bouey and their attorney, Simon Kisch, Esq.

This action arises from flooding of plaintiffs' property located at 9312 Skyline Boulevard around December, 2005, allegedly because of the discharge of surface water from Skyline Boulevard. The settlement was approved by the City Council at closed session on July 15, 2008.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John A. Russo".

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Jannie L. Wong

OFFICE OF THE CITY CLERK
OAKLAND

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Approved as to Form and Legality

RWH

Oakland City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF JOHN AND JEAN BOUEY V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG07307959 IN THE AMOUNT OF \$7,500.00. THIS ACTION ARISES FROM FLOODING OF PLAINTIFFS' PROPERTY LOCATED AT 9312 SKYLINE BOULEVARD AROUND DECEMBER 2005, ALLEGEDLY BECAUSE OF THE DISCHARGE OF SURFACE WATER FROM SKYLINE BOULEVARD. THE SETTLEMENT WAS APPROVED BY THE CITY COUNCIL AT CLOSED SESSION ON JULY 15, 2008. (PUBLIC WORKS AGENCY)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of John and Jean Bouey v. City of Oakland, Alameda County Superior Court Case No. RG07307959, City Attorney's File No. 25392 in the amount of Seven Thousand Five Hundred Dollars and No Cents (\$7,500.00).

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

FURTHER RESOLVED: That the sum of Seven Thousand Five Hundred Dollars and No Cents (\$7,500.00) be paid to John and Bonnie Jean Bouey and Simon Kisch, Esq. their attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID and
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

Abstention-

Attest: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

Date of Attestation: _____