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CITY OF OAKLAND



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

Office of the City Attorney
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City Attorney

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June 21, 2011

HONORABLE CITY COUNCIL
Oakland, California

Subject: Sooksaan Land Trust, et al v. City of Oakland
Alameda County Superior Court No. RG09-438657
City Attorney File No. 26468 (Public Works Agency)

President Reid 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 the City Attorney to compromise and settle the above-entitled action. Due to the risk of an adverse verdict under the circumstances settlement is recommended in the sum of Forty-Five Thousand Dollars and No Cents (\$45,000.00) payable to Plaintiffs The Sooksaan Land Trust and The Joseph F. Lee Irrevocable Trust and David Stein, their attorney.

This action arises from the disconnection of the sewer line from Plaintiffs' property in 2007 causing damages to Plaintiffs. This matter was not heard in closed session.

Respectfully submitted,

A handwritten signature in black ink that reads "John A. Russo". The signature is written in a cursive, somewhat stylized font.

JOHN A. RUSSO
City Attorney

Attorney Assigned:
CHARLES E. VOSE

OAKLAND CITY COUNCIL

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RESOLUTION No. _____ C.M.S.

CEV

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF SOOKSAAN LAND TRUST, ET AL v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG09-438657, IN THE AMOUNT OF \$45,000.00 AS A RESULT OF A DISCONNECTED SEWER LINE TO PLAINTIFFS' PROPERTY (PUBLIC WORKS AGENCY)

WHEREAS, in 2007, the sewer lateral from the Plaintiffs' property at 2616-2622 Ivey Drive became disconnected from the City's sewer main leading Plaintiffs to file the above entitled action against the City; and

WHEREAS, Plaintiffs allege that City of Oakland employees disconnected and failed to reconnect the sewer lateral; and

WHEREAS, Plaintiffs allege that the damage to the property that is the subject of this lawsuit, was caused by the failure of the City of Oakland to reconnect the disconnected sewer lateral; 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, the City of Oakland finds, determines, declares and

RESOLVES, that all the recitals above set forth are true and correct, and the City of Oakland so finds and determines; and be it

FURTHER RESOLVED, that the City Attorney is authorized and directed to compromise and settle the case of Sooksaan Land Trust, et al v. City of Oakland, Alameda County Superior Court Action No. RG09-438657, City Attorney's File No. 26468, for the sum of Forty-Five Thousand Dollars and No Cents (\$45,000.00); and be it

FURTHER RESOLVED, That the City Attorney is authorized and directed to do any and all things and take any and all actions and execute and deliver any and all agreements, and other documents which may be deemed necessary and advisable in order to effectuate the purposes of this resolution; and be it

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

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FURTHER RESOLVED, That the sum of Forty-Five Thousand Dollars and No Cents (\$45,000.00) be payable to Plaintiffs The Sooksaan Land Trust and The Joseph F. Lee Irrevocable Trust and David Stein, their attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2011

PASSED BY THE FOLLOWING VOTE:

AYES- DE LA FUENTE, KERNIHGAN, NADEL, BRUNNER, SCHAFF, BROOKS, KAPLAN and PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California