

16 JAN -7 PM 1:44

CITY OF OAKLAND



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January 19, 2016

HONORABLE CITY COUNCIL
Oakland, California

Subject: Claim of St. John's Episcopal Church
City Attorney File No. 30323,
(Oakland Public Works–Sewer)

President Gibson McElhaney 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 partial settlement of the above-entitled claim for Ninety Thousand Five Hundred Sixty-Six Dollars and Thirty Cents (\$90,566.30) payable to St. John's Episcopal Church.

This claim stems from damages which St. John's claims that it occurred as a result of a City sewer event.

The Council authorized settlement of this case in Closed Session on Tuesday, December 8, 2015 (moved by Councilmember Campbell-Washington and seconded by Councilmember Noel Gallo - 8 Ayes).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Barbara J. Parker', written over a horizontal line.
BARBARA J. PARKER
City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality


City Attorney's Office

16 JAN -7 PM 1:45
OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE PART OF ST. JOHN'S EPISCOPAL CHURCH'S CLAIM AGAINST THE CITY OF OAKLAND, CITY ATTORNEY'S FILE NO. 30323, IN THE AMOUNT OF NINETY THOUSAND FIVE HUNDRED SIXTY-SIX DOLLARS AND THIRTY CENTS (\$90,566.30) (OAKLAND PUBLIC WORKS—SEWER)

WHEREAS, St. John's Episcopal Church alleges that it incurred damages as a result of a City sewer; and

WHEREAS, St. John's Episcopal Church has presented a claim against the City; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle part of St. John's claim against it for the sum of Ninety Thousand Five Hundred Sixty-Six Dollars and Thirty Cents (\$90,566.30) payable by the City of Oakland; now, therefore, be it

RESOLVED: That the City of Oakland is authorized and directed to compromise and settle part of St. John's claim, City Attorney's File No. 30323, for a sum not to exceed Ninety Thousand Five Hundred Sixty-Six Dollars and Thirty Cents (\$90,566.30); 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 Ninety Thousand Five Hundred Sixty-Six Dollars and Thirty Cents (\$90,566.30) be paid to St. John's Episcopal Church.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, REID AND PRESIDENT
GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST:

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