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CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6<sup>TH</sup> FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney  
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February 5, 2019

HONORABLE CITY COUNCIL  
Oakland, California

**Subject: Claim of Marna Javete  
City Attorney File # C32070  
(Public Works – Failed Storm Pipe)**


President Kaplan 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 settlement of the above-entitled claim for the sum Sixty Four Thousand Three Hundred Sixteen Dollars and 64/100 Cents (\$64,316.64), made payable to Marna Javete.

This action arises out of a February 16, 2017 incident in which Mrs. Javete claims that the City's failed storm pipe caused property damage to her home.

The Council authorized settlement of this case in Closed Session on Tuesday, January 22, 2019 (moved by Councilmember Lynette Gibson McElhaney and seconded by Councilmember Noel Gallo - 8 Ayes, 0 Noes).

Respectfully submitted,

  
BARBARA J. PARKER  
City Attorney

Assigned Attorney:  
David A. Pereda  
Jerry Ho – Claims Supervisor

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OAKLAND

  
City Attorney's Office

19 JAN 24 PM 3: 22

# OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

**DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF MARNA JAVETE IN THE AMOUNT OF SIXTY FOUR THOUSAND THREE HUNDRED SIXTEEN DOLLARS AND 64/100 CENTS (\$64,316.64) (PUBLIC WORKS – FAILED STORM PIPE)**

**WHEREAS**, claimant alleges that on February 16, 2017, the City's storm pipe caused property damage at the claimant's home; and

**WHEREAS**, the claimant 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 settle the claim of Marna Javete, our file number C32070, in the amount of Sixty Four Thousand Three Hundred Sixteen Dollars and 64/100 Cents (\$64,316.64); 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 Sixty Four Thousand Three Hundred Sixteen Dollars and 64/100 Cents (\$64,316.64); be made payable to Marna Javete.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of the  
City of Oakland, California