

CITY OF OAKLAND



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February 6, 2024

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Claim of Dawn White and Liuyi Xu
City Attorney File No. C34897
(Department of Public Works – Failed Storm Drain)**

President Fortunato Bas 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 of Sixty-Eight Thousand Nine Hundred Dollars and Fifty-Nine Cents (\$68,900.59), payable to Dawn White and Liuyi Xu (“Claimants”).

Claimants allege that during heavy rain on October 23, 2021, the intersection of East 9th Street and 35th Avenue flooded causing water damage to the ground floor of Claimants’ property. They allege that the City storm drains became blocked and caused water to spread onto the sidewalk and eventually reach the ground floor of Claimants’ property causing substantial damage to the garage, kitchen, living room, two bedrooms and two bathrooms.

The City has determined that settlement in the amount of \$60,831.26, without admitting liability and to avoid litigation, is in the City’s best interest.

The City Council authorized settlement of this case in Closed Session on Thursday, January 18, 2024 (moved by Councilmember Carroll Fife and seconded by Council President Fortunato Bas -7 Ayes, 1 Absent – Councilmember Noel Gallo).

Respectfully submitted,

A handwritten signature in blue ink that reads "Barbara J. Parker". The signature is fluid and cursive.

BARBARA J. PARKER
City Attorney

Assigned Attorney:
Supervising Deputy City Attorney John Burke