

Barbara J. Parker

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF DAWN WHITE AND LIUYI XU, CITY ATTORNEY FILE NO. C34897, IN THE AMOUNT OF SIXTY-EIGHT THOUSAND NINE HUNDRED DOLLARS AND FIFTY-NINE CENTS (\$68,900.59) (DEPARTMENT OF PUBLIC WORKS – FAILED STORM DRAIN)

WHEREAS, Dawn White and Liuyi Xu (“Claimants”) allege that 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; and

WHEREAS, Claimants 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; and

WHEREAS, Claimants submitted 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 compromise and settle the claim of Dawn White and Liuyi Xu, City Attorney’s File No. C34897, for the sum of Sixty-Eight Thousand Nine Hundred Dollars and Fifty-Nine Cents (\$68,900.59); and be it

FURTHER RESOLVED: That the City Administrator is authorized and directed to issue settlement payments as negotiated by the City Attorney with Claimants; 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.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California