

Barbara Rose
Oakland City Attorney's Office

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2012 DEC -6 PM 3:15

Resolution No. 84140 C.M.S.

BJP: MC

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF DAN KITAMURA, IN THE AMOUNT OF \$40,533.61, AS A RESULT OF PROPERTY DAMAGE SUSTAINED CAUSED BY AN OBSTRUCTED CITY SEWER MAIN. (Public Works Agency)

WHEREAS, on June 11, 2012, the City's sanitary sewer main backed up and sewage flooded the property located at 6441 Pinehaven Road; and

WHEREAS, Dan Kitamura filed a claim to recover damages caused by the June 11th flooding of the property located at 6441 Pinehaven Road; 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 and now,

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Dan Kitamura for the sum of Forty Thousand Five Hundred Thirty Three Dollars and Sixty-One Cents (\$40,533.61), payable to Dan Kitamura.

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 Forty Thousand Five Hundred Thirty Three Dollars and Sixty-One Cents (\$40,533.61), payable to Dan Kitamura, is approved.

In Council, Oakland, California, DEC 18 2012, 2012_____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, BRUNNER, AND PRESIDENT REID -8

NOES- 0

ABSENT- 0

ABSTENTION- 0

Attest: *LaTonda Simmons*
LaTonda Simmons
CITY CLERK AND CLERK OF THE COUNCIL
OF THE CITY OF OAKLAND, CALIFORNIA