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July 15, 2014

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Claim of Gerald and Christina Gray
and John S. Claassen, Attorney of Record**
City Attorney Claim File No. C29678
(Public Works Agency–Sewer Overflow)

President Kernighan 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 total sum of Three Hundred Seventy-Two Thousand Two Hundred Twenty-Two Dollars and Thirteen Cents (\$372,222.13), payable as Two Hundred Seventy-Seven Thousand Dollars and No Cents (\$277,000.00) to Gerald and Christina Gray and John S. Claassen, their Attorney of Record and Ninety-Five Thousand Two Hundred Twenty-Two Dollars and Thirteen Cents (\$95,222.13) to Balfour Property Restoration.

This action arises out of a July 16, 2013 incident in which the City's sanitary sewer main backed up and untreated effluent flooded the residence of Gerald and Christina Gray at 7895 Sterling Drive. Settlement of this matter is recommended to avoid the risk of litigation.

The Council authorized settlement of this case in Closed Session on Tuesday, July 1, 2014 (moved by Councilmember Desley Brooks and seconded by Councilmember Lynette Gibson McElhaney-7 Ayes, 1 Absent – Councilmember Larry Reid).

Respectfully submitted,

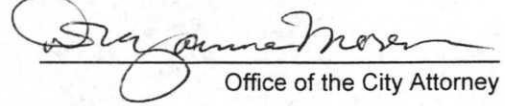
A handwritten signature in black ink, which appears to read 'Barbara J. Parker', written over a horizontal line.

BARBARA J. PARKER
City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

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APPROVED AT TO FORM AND LEGALITY


Office of the City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF GERALD AND CHRISTINA GRAY CITY ATTORNEY'S CLAIM NO. C29678, IN THE AMOUNT OF THREE HUNDRED SEVENTY TWO THOUSAND, TWO HUNDRED TWENTY-TWO DOLLARS AND THIRTEEN CENTS (\$372,222.13) (PUBLIC WORKS AGENCY- SEWER OVERFLOW)

WHEREAS, the claimant alleges that on July 16, 2013, the City sewer main backed up and sewage flooded the property located at 7895 Sterling Drive; and

WHEREAS, the claimant(s) 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 Gerald and Christina Gray and John S. Claassen, Attorney of Record, our file C29678, for the total sum of Three Hundred Seventy-Two Thousand Two Hundred Twenty-Two Dollars and Thirteen Cents (\$372,222.13), payable as Two Hundred Seventy-Seven Thousand Dollars and No Cents (\$277,000.00) to Gerald and Christina Gray and John S. Claassen, their Attorney of Record and Ninety-Five Thousand Two Hundred Twenty-Two Dollars and Thirteen Cents (\$95,222.13) to Balfour Property Restoration; and be it

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps as may be necessary to effect said settlement; and be it

FURTHER RESOLVED: That the sum of Two Hundred Seventy Seven Thousand Dollars and No Cents (\$277,000.00), be made payable to Gerald and Christina Gray and John S. Claassen, Attorney of Record and Ninety-Five Thousand Two Hundred Twenty-Two Dollars and Thirteen Cents (\$95,222.13) to Balfour Property Restoration.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, SCHAAF, REID AND PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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