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CITY OF OAKLAND



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Office of the City Attorney  
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October 21, 2014

HONORABLE CITY COUNCIL  
Oakland, California

**Subject: Bryan Hesterman and Bonapart and Associates, Attorney of record**  
City Attorney File No. C30095  
(Public Works Department - Tree Division)

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 sum of Twenty Two Thousand Five Hundred Dollars and No Cents (\$22,500.00), payable to Bryan Hesterman and Bonapart and Associates, attorney of record.

This action arises out of a February 7, 2014 incident in which a leaning "official" City tree fell onto the claimant's property at 4171 Observatory Ave., and destroyed six trees. Settlement of this matter is recommended to avoid the risk of litigation.

The Council authorized settlement of this case in Close Session on Tuesday, October 7, 2014 (moved by Councilmember Gibson-McElhaney and seconded by Councilmember Kaplan – 8 Ayes).

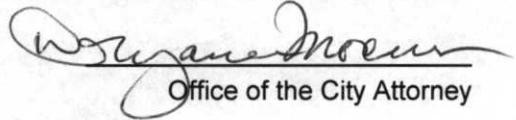
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Barbara J. Parker', written in a cursive style.

BARBARA J. PARKER  
City Attorney

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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 BRYAN HESTERMAN, CITY ATTORNEY'S CLAIM NO. C30095, IN THE AMOUNT OF TWENTY TWO THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$22,500.00) (PUBLIC WORKS DEPARTMENT - TREE DIVISION)**

**WHEREAS**, on February 7, 2014, a leaning "official City tree fell onto the claimant's property and destroyed six trees.

**WHEREAS**, the claimants 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 Bryan Hesterman and Bonapart and Associates, attorney of record, our file C30095, for the sum of Twenty Two Thousand Five Hundred Dollars and No Cents (\$22,500.00) payable to Bryan Hesterman and Bonapart and Associates, attorney of record, 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 Twenty Two Thousand Five Hundred Dollars and No Cents (\$22,500.00) be made payable to Bryan Hesterman and Bonapart and Associates, attorney of record.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**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