

FILED
OFFICE OF THE CITY CLERK
OAKLAND

15 APR -9 PM 2:44

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
Barbara Parker
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

April 21, 2015

HONORABLE CITY COUNCIL
Oakland, California

Subject: East Bay Municipal Utility District v. City of Oakland
Alameda County Superior Court Case No. RG15-758444
City Attorney File No. 30104
(Public Works Agency – Dangerous Condition/Storm Drains)

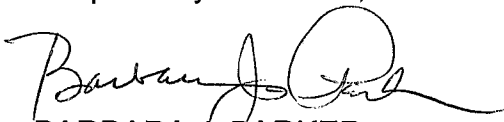
President Gibson McElhaney and Members of the City Council:

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 action for the sum of Eighteen Thousand Six Hundred Fifty Dollars and 46 Cents (\$18,650.46), payable to Plaintiff E.B.M.U.D. and its attorneys Crosby & Rowell, LLP.

This action arises out of an incident on September 19, 2013, wherein the plaintiff's water main was damaged by a City storm drain located at 2233 Arrowhead Drive, Oakland, California.

The Council authorized settlement of this case in Closed Session on Tuesday, April 7, 2015 (moved by Councilmember Kaplan and seconded by Councilmember Campbell Washington - 6 Ayes, 2 Absent – Councilmembers Kalb and Reid).

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Attorney Assigned:
Tracy Chriss

15 APR -9 PM 2:44


City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF EAST BAY MUNICIPAL UTILITY DISTRICT V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG15-758444, IN THE AMOUNT OF EIGHTEEN THOUSAND SIX HUNDRED FIFTY DOLLARS AND 46 CENTS (\$18,650.46) AS A RESULT OF A CITY STORM DRAIN INFRASTRUCTURE PROJECT CAUSING DAMAGE TO A WATER MAIN ON OR ABOUT SEPTEMBER 19, 2013 (PUBLIC WORKS AGENCY - DANGEROUS CONDITION/STORM DRAINS)

WHEREAS, As part of a City project, the City installed storm drain infrastructure at 2233 Arrowhead Drive directly above an E.B.M.U.D. water main causing damages to the water main requiring repairs on or about September 19, 2013 as a result of the City's actions; and

WHEREAS, Alameda County Superior Court Action RG15-758444 was filed against the City of Oakland alleging negligence; and

WHEREAS, In order to avoid the risk of an adverse jury verdict under the circumstances; now therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of East Bay Municipal Utility District v. City of Oakland, City Attorney's File No. 30104, for the sum of Eighteen Thousand Six Hundred Fifty Dollars and 46 Cents (\$18,650.46); 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 Eighteen Thousand Six Hundred Fifty Dollars and 46 Cents (\$18,650.46) be payable to Plaintiff E.B.M.U.D. and its attorneys Crosby & Rowell, LLP.

IN COUNCIL, OAKLAND, CALIFORNIA,
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID AND PRESIDENT GIBSON
MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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