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CITY OF OAKLAND



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July 19, 2016

HONORABLE CITY COUNCIL  
Oakland, California

**Subject: Claim of Kenneth Meislin/ First Class Lodi LLC  
City Attorney File #C30693  
(Public Works – Dangerous Condition)**


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 claim for the sum of Twenty Five Thousand Dollars and No Cents (\$25,000.00), made payable to Kenneth Meislin; First Class Lodi LLC.

This action arises out of an April 2015 incident in which Mr. Meislin claims that tree roots from multiple City trees caused property damage to the sidewalk in front of his property.

The Council authorized settlement of this case in Closed Session on Tuesday, July 5, 2016 (moved by Councilmember Larry Reid and seconded by Councilmember Dan Kalb – 5 Ayes, 2 Absent - Councilmembers Noel Gallo and Rebecca Kaplan, 1 Abstention – Councilmember Desley Brooks).

Respectfully submitted,

  
BARBARA J. PARKER  
City Attorney

Attorney Assigned:  
Colin Bowen

1923810v1

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Approved as to Form and Legality

  
Oakland 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 KENNETH MEISLIN/ FIRST CLASS LODI LLC, CLAIM NO. C30693, IN THE AMOUNT OF TWENTY FIVE THOUSAND DOLLARS AND NO CENTS (\$25,000.00) (PUBLIC WORKS - DANGEROUS CONDITION)**

**WHEREAS**, claimant alleges that in April 2015, he sustained damages relating to the repair of a sidewalk arising damages caused by the tree roots of five City trees; and

**WHEREAS**, the claimant 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 Kenneth Meislin/ First Class Lodi LLC, our file number C30693, in the amount of Twenty Five Thousand Dollars and No Cents (\$25,000.00); 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; and be it

**FURTHER RESOLVED:** That the sum of Twenty Five Thousand Dollars and No Cents (\$25,000.00), be made payable to Kenneth Meislin; First Class Lodi LLC.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, 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