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CITY OF OAKLAND



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Office of the City Attorney
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City Attorney

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December 13, 2016

HONORABLE CITY COUNCIL
Oakland, California

Subject: **Claim of W.S. Wilson**
City Attorney File # C30803
(Oakland Public Works – Inverse Condemnation)

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 Thirty One Thousand Nine Hundred Two Dollars and 61/100 Cents (\$31,902.61), made payable to W.S. Wilson.

This action arises out of an August 12, 2015 incident in which Mr. Wilson claims that a blockage in the City's sewer main caused a sewage overflow, and resulting remediation damages to his commercial property.

The Council authorized settlement of this case in Closed Session on Tuesday, November 29, 2016 (moved by Councilmember Desley Brooks and seconded by Councilmember Rebecca Kaplan - 8 Ayes).

Respectfully submitted,

A handwritten signature in cursive script, which appears to read "Barbara J. Parker for".

BARBARA J. PARKER
City Attorney

Attorney Assigned:
Colin Bowen

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Oakland City Attorney's Office

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OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF W.S. WILSON, IN THE AMOUNT OF THIRTY ONE THOUSAND NINE HUNDRED TWO DOLLARS AND 61/100 CENTS (\$31,902.61) AS THE RESULT OF A FAILED SEWER MAIN ON AUGUST 12, 2015 (OAKLAND PUBLIC WORKS - INVERSE CONDEMNATION)

WHEREAS, claimant alleges that on August 12, 2015, he sustained damages as a result of a blocked City sewer main which caused a sewage overflow on Plaintiff's property; 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 W.S. Wilson, our file number C30803, in the amount of Thirty One Thousand Nine Hundred Two Dollars and 61/100 Cents (\$31,902.61); 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.

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