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CITY OF OAKLAND



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March 7, 2017

HONORABLE CITY COUNCIL
Oakland, California

Subject: Claim of George Zviagin
City Attorney File # C31341
(Public Works – Failed Sewer Main)


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 Seventy Nine Thousand Five Hundred Eighty-Eight Dollars and 29/100 Cents (\$79,588.29), made payable to George Zviagin.

This action arises out of a July 19, 2016 incident in which Mr. Zviagin claims that a blockage in the City's sewer caused substantial property damage to Mr. Zviagin's home.

The Council authorized settlement of this case in Closed Session on Tuesday, February 21, 2017 (moved by Councilmember Lynette Gibson McElhaney and seconded by Councilmember Rebecca Kaplan - 8 Ayes).

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Attorney Assigned:
Colin Bowen

2054211v1


Oakland City Attorney's Office

2017 FEB 23 PM 5:00

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF GEORGE ZVIAGIN, IN THE AMOUNT OF SEVENTY NINE THOUSAND FIVE HUNDRED EIGHTY-EIGHT DOLLARS AND 29/100 CENTS (\$79,588.29) AS THE RESULT OF A FAILED SEWER MAIN ON JULY 19, 2016 (PUBLIC WORKS- FAILED SEWER MAIN)

WHEREAS, claimant alleges that on July 19, 2016, he sustained damages as a result of an failed sewer main; 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 George Zviagin, our file number C31341, in the amount of Seventy Nine Thousand Five Hundred Eighty-Eight Dollars and 29/100 Cents (\$79,588.29); 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, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, REID AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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