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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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September 17, 2018

HONORABLE CITY COUNCIL
Oakland, California

Subject: *Reyes Briones, et al. v. City of Oakland*
Alameda County Superior Court No. RG16810031
City Attorney File No. 31072
(Public Works – Nuisance)

President Guillen and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of the resolution authorizing compromise and settlement of the above-entitled claim for the sum of Thirty Thousand Dollars (\$30,000.00).

This matter arises from the alleged repeated failures of the storm drain system catch basins at or near Plaintiffs' home, 4494 Arcadia Avenue.

The Council authorized settlement of this case in Closed Session on Tuesday, June 19, 2018 (moved by Councilmember Campbell Washington and seconded by Councilmember Gallo – 6 Ayes and 2 Absent (Councilmember Brooks and President Reid)).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

Attorney assigned:
Michelle M. Meyers

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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 REYES BRIONES, ET AL. V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG16810031, CITY ATTORNEY'S FILE NO. 31072, IN THE AMOUNT OF THIRTY THOUSAND DOLLARS AND ZERO CENTS (\$30,000.00) (PUBLIC WORKS – NUISANCE)

WHEREAS, Plaintiffs Reyes Briones and Louis Briones allege that their home at 4494 Arcadia Avenue sustained damage as a result of repeated failures of the City's storm drain system catch basins;

WHEREAS, Plaintiffs filed the above-referenced action to recover monetary damages;
and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise and settle Plaintiffs' claims against it for the sum of Thirty Thousand Dollars and No Cents (\$30,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of *Reyes Briones, et al. v. City of Oakland*, Alameda County Superior Court Case No. RG16810031, City Attorney's File No. 31072, for a sum not to exceed Thirty Thousand Dollars and No Cents (\$30,000.00) payable by the City of Oakland; and be it

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps necessary to effect said settlement; and be it

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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