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CITY OF OAKLAND



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October 16, 2018

HONORABLE CITY COUNCIL
Oakland, California

Subject: Claim of Martin and Jennifer Clevinger
City Attorney File # C32037
(Public Works – Storm Pipe)

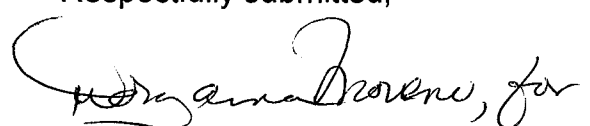
President Reid and Members of the City Council:

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 Sixty Seven Thousand Eight Hundred Four Dollars and 49/100 Cents (\$67,804.49), made payable to Martin and Jennifer Clevinger.

This action arises out of a December 10, 2016 incident in which Mr. and Mrs. Clevinger claims that the City's failed storm pipe caused property damage at their home.

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

Respectfully submitted,


BARBARA J. PARKER
City Attorney

Assigned Attorney:
Colin Bowen

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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 MARTIN AND JENNIFER CLEVINGER, IN THE AMOUNT OF SIXTY SEVEN THOUSAND EIGHT HUNDRED FOUR DOLLARS AND 49/100 CENTS (\$67,804.49) (PUBLIC WORKS – FAILED STORM PIPE)

WHEREAS, claimants alleges that on December 10, 2016, the City's storm pipe caused property damage at the claimants' home; and

WHEREAS, the claimants 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 Martin and Jennifer Clevinger, our file number C32037, in the amount of Sixty Seven Thousand Eight Hundred Four Dollars and 49/100 Cents (\$67,804.49); 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 Sixty Seven Thousand Eight Hundred Four Dollars and 49/100 Cents (\$67,804.49); be made payable to Martin and Jennifer Clevinger.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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