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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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October 16, 2018

HONORABLE CITY COUNCIL
Oakland, California

Subject: Claim of Gregory Nuti
City Attorney File # C31787
(Public Works – Storm Drain 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 Forty Four Thousand Nine Hundred Twenty Six Dollars and 00/100 Cents (\$44,926.00), made payable to Gregory Nuti.

This action arises out of a February 15, 2017 incident in which Mr. Gregory Nuti claims that the City's failed storm drain 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 Campbell Washington and seconded by Councilmember Gibson McElhaney - 6 Ayes, 2 Absent – Councilmember Brooks and President Reid).

Respectfully submitted,

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

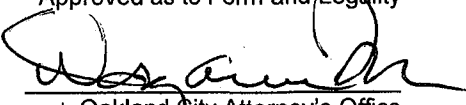
BARBARA J. PARKER
City Attorney

Assigned Attorney:
Colin Bowen

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Approved as to Form and Legality



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 GREGORY NUTI, IN THE AMOUNT OF FORTY FOUR THOUSAND NINE HUNDRED TWENTY SIX DOLLARS AND 00/100 CENTS (\$44,926.00) (PUBLIC WORKS – FAILED STORM PIPE)

WHEREAS, claimants alleges that on February 15, 2017, the City's storm drain pipe caused property damage at the claimant's home; 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 Gregory Nuti, our file number C31787, in the amount of Forty Four Thousand Nine Hundred Twenty Six Dollars and 00/100 Cents (\$44,926.00); 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 Forty Four Thousand Nine Hundred Twenty Six Dollar and 00/100 Cents (\$44,926.00), be made payable to Gregory Nuti.

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