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CITY OF OAKLAND



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October 16, 2018

HONORABLE CITY COUNCIL
Oakland, California

Subject: Claim of Simone and Micah Koga
City Attorney File # C31943
(Public Works – Storm Drain)

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 One Thousand Three Hundred Fifty One Dollars and 97/100 Cents (\$41,351.97), made payable to Simone and Micah Koga.

This action arises out of a January 10, 2017 incident in which Mr. and Mrs. Koga claims that the City's failed storm drain caused property damage at their home.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barbara J. Parker", written over a horizontal line.

BARBARA J. PARKER
City Attorney

Assigned Attorney:
Colin Bowen

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Oakland City Attorney's Office

18 OCT -4 PM 12:45

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF SIMONE AND MICAH KOGA, IN THE AMOUNT OF FORTY ONE THOUSAND THREE HUNDRED FIFTY ONE DOLLARS AND 97/100 CENTS (\$41,351.97) (PUBLIC WORKS – FAILED STORM DRAIN)

WHEREAS, claimants alleges that on January 10, 2017, the City's storm drain 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 Simone and Micah Koga, our file number C31943, in the amount of Forty One Thousand Three Hundred Fifty One Dollars and 97/100 Cents (\$41,351.97); 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 One Thousand Three Hundred Fifty One Dollars and 97/100 Cents (\$41,351.97), be made payable to Simone and Micah Koga.

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