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CITY OF OAKLAND



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Office of the City Attorney
Barbara J. Parker
City Attorney

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March 12, 2019

HONORABLE CITY COUNCIL
Oakland, California

Subject: Kathleen Ferry v. City of Oakland, et al.
Alameda County Superior Court, Case No. RG18892166
City Attorney File No. 32214
(Department of Public Works – Inverse Condemnation)

President Kaplan and Members of the City Council:

Pursuant to Section 401 of the City Charter, the City Attorney has prepared and requests your approval of a resolution authorizing the compromise and settlement of the above-entitled action in the sum of: Forty-Five Thousand Dollars and No Cents (\$45,000.00) payable to Tod M. Ratfield, Attorney-Client Trust Account.

This action arises from a February 7, 2017 landslide at 2061 Manzanita Drive. This matter was heard in closed session on Tuesday, February 26, 2019.

The Council authorized settlement of this case in Closed Session on Tuesday, February 26, 2019 (moved by Council President Kaplan and seconded by Councilmember Gallo - 6 Ayes, 2 Absent – Councilmember Gibson McElhaney, and Vice Mayor Reid).

Respectfully submitted,

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

BARBARA J. PARKER
City Attorney

Attorney Assigned:
Kevin P. McLaughlin

[Signature]
City Attorney's Office

FILED
OFFICE OF THE CITY CLERK
OAKLAND

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OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF: KATHLEEN FERRY V. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG18892166 IN THE AMOUNT OF FORTY-FIVE THOUSAND DOLLARS AND NO CENTS (\$45,000.00) ARISING FROM A LANDSLIDE INCIDENT ON AT 2061 MANZANITA DRIVE.

WHEREAS, a small landslide occurred on the property of Kathleen Ferry on February 7, 2017; and

WHEREAS, the landslide was allegedly caused by the inadequate maintenance and design of a City storm water conduit; and

WHEREAS, Alameda County Superior Court Case No. RG18892166 was filed against the City of Oakland alleging inverse condemnation and tort claims; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise Kathleen Ferry's claim against it for the sum of Forty-Five Thousand Dollars and No Cents (\$45,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Kathleen Ferry v. City of Oakland, et al., Alameda County Superior Court No. RG18892166 for the sum of Forty-Five Thousand Dollars and No Cents (\$45,000.00); and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council of the City
of Oakland, California