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2020 JAN -9 PM 3:02

CITY OF OAKLAND



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January 21, 2020

HONORABLE CITY COUNCIL
Oakland, California

Subject: Claim of Assurant as subrogee of (a/s/o) Gwendolyn Rowe-Lee
City Attorney File #C32561
(Department of Public Works – Tree Limb Failure)

President Kaplan 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 One Hundred Twelve Thousand Five Hundred Dollars and 00/100 cents (\$112,500.00), made payable to Assurant, a/s/o Gwendolyn Rowe-Lee.

This action arises out of a January 30, 2018 incident in which Assurant claims a large limb from a tree on City property fell, causing significant damage to the roof of claimant's home.

The Council authorized settlement of this case in Closed Session on Tuesday, December 10, 2019 (moved by Councilmember Noel Gallo and seconded by Vice Mayor Larry Reid - 7 Ayes, 0 Noes, 1 Absent – Councilmember Sheng Thao).

Respectfully submitted,

BARBARA J. PARKER
City Attorney

Attorney Assigned:
David Pereda

2867787v1

2020 JAN -9 PM 3:03


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 ASSURANT, AS SUBROGEE OF (A/S/O) GWENDOLYN ROWE-LEE, CITY ATTORNEY FILE NO. C32561, IN THE AMOUNT OF ONE HUNDRED TWELVE THOUSAND FIVE HUNDRED DOLLARS AND 00/100 CENTS \$112,500.00) (PUBLIC WORKS – TREE LIMB FAILURE)

WHEREAS, Assurant, a/s/o Gwendolyn Rowe-Lee alleges that on January 30, 2018, a large limb from a tree on City property fell, causing significant damage to the roof of claimant's home; and

WHEREAS, Assurant, a/s/o Gwendolyn Rowe-Lee 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 compromise and settle the case of Assurant, a/s/o Gwendolyn Rowe-Lee, City Attorney's File No. C32561, for the sum of One Hundred Twelve Thousand Five Hundred Dollars and 00/100 Cents (\$112,500.00); and be it

FURTHER RESOLVED: That the City Administrator is authorized and directed to issue settlement payments as negotiated by the City Attorney with Assurant, a/s/o Gwendolyn Rowe-Lee; 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

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