

# CITY OF OAKLAND



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October 19, 2021

HONORABLE CITY COUNCIL  
Oakland, California

**Subject: City of Oakland, a California municipal corporation v. East Bay  
Municipal Utility District and DOES 1 through 10, inclusive  
Case No. RG19043863  
City Attorney File No. X04615  
(Oakland Public Works – Damage to City Infrastructure)**

President Fortunato Bas 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 lawsuit for the sum of One Hundred Eighty Five Thousand Dollars and No Cents (\$185,000.00), paid by East Bay Municipal Utility District to the City of Oakland.

This action arises out of damage to a City of Oakland storm water culvert and roadway surface adjacent to 3021 Richmond Boulevard. The damage occurred on or about June 20, 2011 when East Bay Municipal Utility District employees dug into the street in the course of repairing a water main. East Bay Municipal Utility District refused to repair the damage or pay to repair the damage. The cost to repair the damage is estimated at approximately \$200,000.00, and the settlement proceeds will be used towards paying to repair the damage. Until the damage is repaired, the City will place its trench plates in the location and will assume responsibility for any liabilities that may occur in this location.

The Council authorized settlement of this case in Closed Session on Tuesday, October 7, 2021 (moved by Councilmember Noel Gallo and seconded by Councilmember Rebecca Kaplan – 8 Ayes).

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "M. Parker" or similar, followed by a flourish.

for

BARBARA J. PARKER  
City Attorney

Assigned Attorney:  
Kevin P. McLaughlin  
3113993v1