



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF CITY OF OAKLAND, A CALIFORNIA MUNICIPAL CORPORATION V. EAST BAY MUNICIPAL UTILITY DISTRICT AND DOES 1 THROUGH 10, INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG19043863, CITY ATTORNEY FILE NO. X04615, FOR PAYMENT TO THE CITY OF OAKLAND IN THE AMOUNT OF \$185,000.00 BY EAST BAY MUNICIPAL UTILITY DISTRICT, ARISING FROM DAMAGE TO A CITY STREET AND STORM WATER CULVERT ADJACENT TO 3021 RICHMOND BOULEVARD, WHICH OCCURRED ON OR ABOUT JUNE 20, 2011

WHEREAS, on or about June 20, 2011 East Bay Municipal Utility District ("EBMUD") employees dug a hole in Richmond Boulevard and broke the roof of a City of Oakland storm water culvert, in order to access and repair an EBMUD water main; and

WHEREAS, EBMUD did not repair the damage to the City's storm water culvert or roadway surface, and instead installed metal trench plates in the roadway which remain in place to this date; and

WHEREAS, the City brought a lawsuit against EBMUD to compel it to repair the damage to the City's storm water culvert and roadway surface; and

WHEREAS, the City has determined to compromise its claim against EBMUD for payment by EBMUD to the City in the amount of \$185,000.00; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of City of Oakland, a California municipal corporation v. East Bay Municipal Utility District and DOES 1 through 10, inclusive, Alameda County Superior Court Case No. RG19043863, for payment to the City of the sum of \$185,000.00; 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 - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND PRESIDENT FORTUNATO BAS NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED

City Clerk and Clerk of the Council of the City of
Oakland, California