



Ryan Y.R.
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 STATE FARM GENERAL INSURANCE COMPANY V. CITY OF OAKLAND AND DOES 1 THROUGH 20 INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. 24CV071246, CITY ATTORNEY FILE NO. 36146, BY PAYMENT IN THE AMOUNT OF THIRTY THOUSAND DOLLARS AND ZERO CENTS (\$30,000.00) (DEPARTMENT OF PUBLIC WORKS – DANGEROUS CONDITION)

WHEREAS, Plaintiff State Farm General Insurance Company alleges that on January 26, 2023, a City-maintained tree fell onto private property insured by State Farm located at 1950 Mountain Boulevard in Oakland, causing property damage, including damage to an HVAC system, roof, and ceilings. State Farm's insured made a claim, which it paid; and

WHEREAS, State Farm attributes the fallen tree to defective maintenance and control by the City, and filed a lawsuit against the City in Alameda County Superior Court, Case No. 24CV071246, alleging a dangerous condition of public property claim against the City, seeking to recover damages for the costs of clean-up and repair; and

WHEREAS, the City has considered all the evidence, litigation costs, and litigation risks in this case; and

WHEREAS, the parties and their legal counsel have negotiated a fair and reasonable settlement of these claims; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of *State Farm General Insurance Company v. City of Oakland and Does 1 through 20 Inclusive*, Alameda Superior Court Case No. 24CV071246, for the sum of Thirty Thousand Dollars and Zero Cents (\$30,000.00); 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 – BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG AND PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____ ASHA REED

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