

RESOLUTION NO. 63,764-N.S.

AUTHORIZING THE CITY ATTORNEY TO SETTLE THE PUBLIC LIABILITY CLAIM
NO. GHB 011902 BY MITSUI SUMITOMO INSURANCE COMPANY

WHEREAS, a public liability claim has been filed against the City of Berkeley by claimant Mitsui Sumitomo Insurance Company for property damages sustained as a result of a City sewer line backup at 1841 Berkeley Way on or about September 25, 2006; and

WHEREAS, claimant alleges it made an insurance payment to the owners of said property for damages sustained as a result of the incident; and

WHEREAS, it is in the best interest of the City of Berkeley to settle this claim, and a settlement amount of \$59,477 has been reached by the City Attorney and claimant for the insurance payment the claimant made to cover the property damages caused by the sewer backup; and

WHEREAS, funds are available in Public Liability Fund 881 1702 410 8101.

NOW THEREFORE, BE IT RESOLVED the Council of the City of Berkeley authorizes the City Attorney, in accordance with Section 7.12.020 of the Berkeley Municipal Code, to make payment of \$59,477 to claimant Mitsui Sumitomo Insurance Company in settlement of its claim against the City.

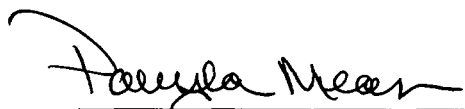
The foregoing Resolution was adopted by the Berkeley City Council on July 10, 2007 by the following vote:

Ayes: Anderson, Capitelli, Maio, Moore, Olds, Spring, Worthington, Wozniak and Bates.

Noes: None.

Absent: None.

Attest:


Pamyla Means, MMC, City Clerk


Tom Bates, Mayor