

OAKLAND CITY COUNCIL

07 DEC 19 11:21

RESOLUTION NO. 81025 C.M.S.



IVF

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO SETTLE THE CASE OF MILLSMONT HOMEOWNERS ASSN. V. CITY OF OAKLAND AND DESILVA GATES CONSTRUCTION, L.P., U.S. DISTRICT COURT ACTION NO. C 06-03955 MMC, OUR FILE NO. X02821, IN THE AMOUNT OF \$25,000.00. THIS CASE INVOLVES ALLEGED STORM WATER AND SANITARY SEWER DISCHARGES (CEDA-PUBLIC WORKS)

RESOLVED: That the City Attorney is authorized and directed to settle the case of Millsmont Homeowners Assn. v. City of Oakland and DeSilva Gates Construction, L.P., U.S. Northern District Court Action No. C 06-03955 MMC, Our File No. X02821 (CEDA-PUBLIC WORKS), for the sum of Twenty Five Thousand Dollars (\$25,000), made payable to the Millsmont Homeowners Association (MHA) and its attorney, Natural Heritage Institute, and assent to a Consent Decree under which DeSilva Gates Construction, L.P. will fund a feasibility study for restoration of Chimes Creek and the City and MHA will thereafter cooperatively seek funding for a creek restoration project.

FURTHER RESOLVED: That the City Attorney is authorized and directed to take whatever steps necessary to effect the settlement; and be it

FURTHER RESOLVED: That the sum of Twenty Five Thousand Dollars (\$25,000), be paid to Millsmont Homeowners Association (MHA) and its attorney, Natural Heritage Institute,

IN COUNCIL, OAKLAND, CALIFORNIA, JAN 15 2008, 20__

PASSED BY THE FOLLOWING VOTE:

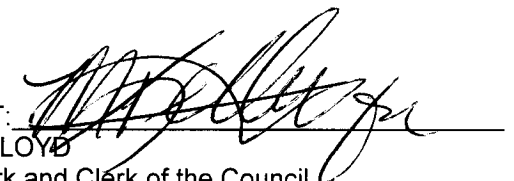
AYES- ~~BRUNNER~~, CHANG, ~~DE LA FUENTE~~, NADEL, REID, QUAN, BROOKS and KERNIHGAN - 6

NOES- Brunner - 1

ABSENT- 0

ABSTENTION- 0

Excused - De La Fuente - 1

ATTEST: 
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California