


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 HOLLY ROSS-SISNEROS AS TRUSTEE OF THE SECOND AMENDED AND RESTATED REVOCABLE TRUST AGREEMENT OF THE HELEN S. ROSS TRUST; AND PAUL MICO V. CITY OF OAKLAND, EAST BAY MUNICIPAL UTILITIES DISTRICT, SARAH WHEELER, AN INDIVIDUAL AS DOE 1; AND DOES 2 THROUGH 100, INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG17877986, CITY ATTORNEY'S FILE NO. 31966, AND KARL W. KREPLIN AND ANITA A. KREPLIN; THE KARL W. KREPLIN AND ANITA ARAGON KREPLIN REVOCABLE TRUST V. CITY OF OAKLAND; EBMUD; HOLLY ROSS-SISNEROS; AND DOES 1 TO 20, INCLUSIVE, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG19026819, CITY ATTORNEY'S FILE NO. 31966-1, IN THE AMOUNT OF ONE MILLION AND ONE HUNDRED THOUSAND DOLLARS AND NO CENTS (\$1,100,000) (DEPARTMENT OF PUBLIC WORKS – INVERSE CONDEMNATION)

WHEREAS, Plaintiffs Holly Ross-Sisneros, Karl Kreplin, Anita Kreplin, and Cross-Complainant Sarah Wheeler allege that a City of Oakland storm drain pipe caused a landslide that occurred between February 21-24, 2017; and

WHEREAS, Plaintiffs and Cross-Complainant allege that as a result of the landslide they sustained property damage to their residential properties at 6933 Armour Drive, 49 Vista Del Mar Court, and 43 Vista Del Mar Court; and

WHEREAS, Plaintiffs and Cross-Complainant filed *Holly Ross-Sisneros, et al. v. City of Oakland, et al.*, Alameda County Superior Court Case No. RG17877986, and *Karl Kreplin, et al. v. City of Oakland, et al.*, Alameda County Superior Court Case No. RG19026819, against the City of Oakland alleging inverse condemnation, dangerous condition of public property, trespass, and nuisance and seeking to recover \$2,300,000 to repair the damage from the landslide, costs of past emergency repairs and geotechnical engineering work, compensation for loss of use of the properties, and attorneys' fees and costs; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise Plaintiffs' and Cross-Complainant's claims for the sum of One Million and One Hundred Thousand Dollars and no Cents (\$1,100,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of *Holly Ross-Sisneros, et al. v. City of Oakland, et al.*, Alameda County Superior Court Case No. RG17877986, and *Karl Kreplin, et al. v. City of Oakland, et al.*, Alameda County Superior Court Case No. RG19026819, for the sum of One Million and One Hundred Thousand Dollars and no Cents (\$1,100,000.00); 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