


Agency Counsel

07/11/07 11:50

**REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND**

RESOLUTION NO. 2007-0040 C.M.S.

**RESOLUTION AUTHORIZING AND DIRECTING AGENCY
COUNSEL TO COMPROMISE AND SETTLE THE CASE OF
OAKLAND REDEVELOPMENT AGENCY V. FELDSTEIN
ET. AL, IN THE AMOUNT OF \$2,780,610, AS A RESULT OF
AN EMINENT DOMAIN ACTION COMMENCED BY THE
REDEVELOPMENT AGENCY TO FACILITATE THE
UPTOWN PROJECT DEVELOPMENT**

RESOLVED: That the Agency Counsel is authorized and directed to compromise and settle the case of *Oakland Redevelopment Agency v. Feldstein et. al, Santa Clara County Superior Court Case No. 1-05-CV-045312*, for the sum of Two Million Seven Hundred and Eighty Thousand Six Hundred and Ten Dollars (\$2,780,610) (which includes \$1,956,170 previously appropriated by the Agency and deposited with the court for the Feldsteins' account), payable to Leon & Leon Trust Account for defendants Beatrice Feldstein, Kenneth Feldstein, Nancy Feldstein, David Smith and Florence Smith, as a result of an eminent domain action commenced by the Redevelopment Agency to facilitate the Uptown Project development; and be it

FURTHER RESOLVED: That the Agency hereby appropriates funds in the amount of Six Hundred and Forty Thousand dollars (\$640,000) from the Agency's 2005 Bonds (Fund 9533, Project P128660), and One Hundred and Eighty-Four Thousand Four Hundred and Forty dollars (\$184,440) from the Central District Tax Allocation Bond Series 1989 Fund (Fund 9516, Project 221520), which when added to the One Million Nine Hundred Fifty Six Thousand One Hundred and Seventy Dollars (\$1,956,170) previously appropriated by the Agency and deposited with the court for the defendants account, equals the total settlement amount of Two Million Seven Hundred and Eighty Thousand Six Hundred and Ten Dollars and No Cents (\$2,780,610), and authorizes the Agency Administrator or her designee to allocate said funds toward payment of the above referenced settlement; and be it

FURTHER RESOLVED: That the Agency Counsel is further authorized and directed to take whatever steps may be necessary to effect said settlement; and be it

FURTHER RESOLVED: That the sum of Two Million Seven Hundred and Eighty Thousand Six Hundred and Ten Dollars and No Cents (\$2,780,610), which includes \$1,956,170 previously deposited with the court for Schwyhart's account, and Eighty Hundred and Twenty Four Thousand Four Hundred and Forty Dollars and No Cents (\$824,440) of newly appropriated funds as provided for herein, inclusive of interest and costs, be paid to Leon & Leon

Trust Account for defendants Beatrice Feldstein, Kenneth Feldstein, Nancy Feldstein, David Smith and Florence Smith.

In Agency, Oakland, California, JUN 5 2007, 2007

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, KERNIGHAN AND
PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

Attest: LaTonda Simmons

LaTonda Simmons
SECRETARY OF THE REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND, CALIFORNIA