

*[Signature]*  
Office of the City Attorney

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OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

2012 MAR -7 PM 1:14

RESOLUTION NO. 83753 C.M.S.

WES: csa

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF DEGUZMAN V. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG07355626, CITY ATTORNEY'S FILE NO. 25715, IN THE AMOUNT OF THREE HUNDRED NINETY-EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$398,500.00). (PUBLIC WORKS AGENCY) – INVERSE CONDEMNATION/DANGEROUS CONDITION.**

WHEREAS, the Plaintiffs have filed a lawsuit alleging inverse condemnation/ dangerous condition of public property due to landslides in the Geranium Place/ Redwood Road area.

WHEREAS, the City of Oakland has determined that settlement in this amount, without an admission of liability, is in the best interest of the City; and now therefore, be it

**RESOLVED:** that the City Attorney is authorized and directed to settle the matter of DeGuzman v. City of Oakland, et al., Alameda County Superior Court Case No. RG07355626, City Attorney File No. 25715, for the sum of Three Hundred Ninety-Eight Thousand Five Hundred Dollars (\$398,500.00): \$118,500.00 payable to plaintiffs Robert and Carol DeGuzman and their attorneys, Ryan & Lifter, and \$280,000.00 to fund the construction of a series of nine passive hydrostatic pressure relief wells on City property; 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; and be it

**FURTHER RESOLVED:** that the sum of Three Hundred Ninety-Eight Thousand Five Hundred Dollars (\$398,500.00): \$118,500.00 payable to plaintiffs Robert and Carol DeGuzman and their attorneys, Ryan & Lifter, and \$280,000.00 to fund the construction of a series of nine passive hydrostatic pressure relief wells on City property.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 20 2012, 2012

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, BRUNNER, and ~~PRESIDENT~~ - 7

NOES- 0

ABSENT- Reid - 1

ABSTENTION- 0

ATTEST: *[Signature]*  
LATONDA SIMMONS  
City Clerk and Clerk of the  
Council of the City of Oakland, California