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OAKLAND

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APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89159 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,

MAY - 3 2022

PASSED BY THE FOLLOWING VOTE:

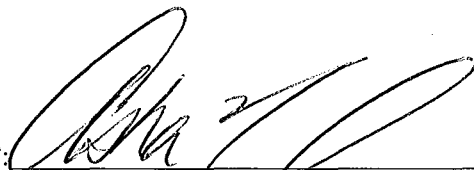
AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



ASHA REED

City Clerk and Clerk of the Council of the
City of Oakland, California