

OAKLAND CITY COUNCIL

RESOLUTION NO. 79082 C.M.S.



Resolution Authorizing and Directing the City Attorney to Compromise and Settle the Eminent Domain Litigation of City of Oakland v. Orkin, Inc. dba Thrifty Oil Company ("Thrifty") in the Amount of \$326,820 (\$131,820 Plus the City's \$195,000 Deposit which Thrifty Previously Withdrew) as Compensation for the City's Condemnation of 862-868 – 98th Avenue for the City's Widening of 98th Avenue (San Mateo County Superior Court Action No. 336725)

WHEREAS, The City of Oakland condemned the property at 862-868 -- 98th Avenue, Oakland, including the improvements thereon (gas station facility) owned by Orkin, Inc. dba Thrifty Oil Company ("Thrifty") for the purpose of widening 98th Avenue; and

WHEREAS: The City and Thrifty have agreed to settle the amount of compensation due Thrifty for the real property, personal property, improvements, and good will Thrifty claimed as taken by the City in the condemnation, and

WHEREAS: The total amount of compensation agreed to is \$326,820, being comprised of \$195,000 for the litigation deposit that was previously withdrawn by Thrifty's attorney, and an additional \$131,820, and be it therefore

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the eminent domain litigation of City Of Oakland v. Orkin, Inc. dba Thrifty Oil Company (San Mateo County Superior Court Action No. 336725). for the amount of \$326,820 (\$131,820 plus the deposit of \$195,000 previously withdrawn by Thrifty) as compensation for the condemnation of 862-868 – 98th avenue, including the value of the real property, improvements, personal property, goodwill and inclusive of all attorney's fees, costs and interest.

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps may be necessary to effect said settlement.

MAR 1 - 2005

In Council, Oakland, California, _____, 20____

PASSED BY THE FOLLOWING VOTE:

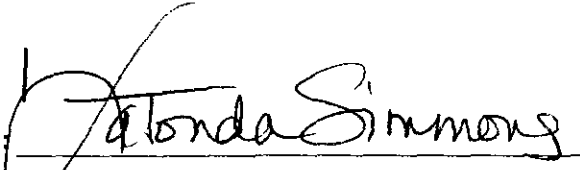
AYES- BROOKS, ~~BRUNNER~~, CHANG, NADEL, QUAN, REID, AND PRESIDENT
DE LA FUENTE - 6

NOES- 0

ABSENT- 0

ABSTENTION- Brunner - 1

ATTEST:



LATONDA SIMMONS, INTERIM CITY CLERK

~~CITY CLERK~~ AND CLERK OF THE COUNCIL
OF THE CITY OF OAKLAND, CALIFORNIA