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CITY OF OAKLAND



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ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CA 94612

Office of the City Attorney
John A. Russo
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

June 1, 2004

HONORABLE CITY COUNCIL
Oakland, California

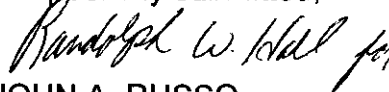
Subject: *J.W. Silveira, et al. v. City of Oakland*
United States District Court Case No. C 03-0621 TEH
Our File No. X01775 – CEDA –
Constitutional Due Process Challenge

Dear President De La Fuente and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and recommends settlement of the above-entitled matter arising from a Constitutional due process challenge to the City of Oakland Blight Ordinance. This settlement involves payment of attorney's fees and costs only. Due to the nature of the allegations of the complaint, there is no incident date for this matter.

Due to the risk of an adverse jury verdict under the circumstances, settlement is recommended in the amount of Fifty Thousand Dollars and No Cents (\$50,000.00), to be made payable to J.W. Silveira and Barbara O. Silveira and Bruce A. McIntosh, Esq., her attorney of record. This matter was previously passed by the City Council at closed session on May 18, 2004.

Respectfully submitted,


JOHN A. RUSSO
City Attorney

Attorney Assigned:
James F. Hodgkins
324068

10.6CC
ORA/COUNCIL
JUN 1 2004

OAKLAND CITY COUNCIL

RWH

RESOLUTION NO. _____ C.M.S.

JFH/aah

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF J.W. SILVEIRA, ET AL. v. CITY OF OAKLAND, UNITED STATES DISTRICT COURT CASE NO. C03-0621 TEH, OUR FILE NO. X01775, IN THE AMOUNT OF \$50,000.00. THIS MATTER INVOLVES A CONSTITUTIONAL DUE PROCESS CHALLENGE TO THE CITY OF OAKLAND BLIGHT ORDINANCE. (CEDA)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of J.W. Silveira v. City of Oakland, United States District Court Case No. C0300621 TEH, City Attorney's File No. X01775, for a sum not to exceed a total of Fifty Thousand Dollars and No Cents (\$50,000.00) payable by the City of Oakland to J.W. Silveira and Barbara O. Silveira and Bruce A. McIntosh, Esq., their attorney of record.

FURTHER RESOLVED: That the City Attorney 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 Fifty Thousand Dollars and No Cents (\$50,000.00) be paid to J.W. Silveira and Barbara O. Silveira and Bruce A. McIntosh, Esq., their attorney of record.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2004

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

324066

10.6CC
ORA/COUNCIL
JUN 1 2004