

CITY OF OAKLAND



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Office of the City Attorney
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City Attorney

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June 5, 2007

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Silveira v. City of Oakland
Alameda County Superior Court Case No. RG03112177
City Attorney File No. X01999 (Public Works Agency)**

President De La Fuente and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared a resolution and recommends settlement of the above-entitled action, for the sum of Two Million Dollars and No Cents (\$2,000,000.00), payable to J.W. Silveira and Barbara O. Silveira, Trustees of the J.W. Silveira and Barbara O. Silveira Family Trust and their attorney, John Patton, Esq.

This action arises from plaintiffs' claims of storm water erosion damage to their Exeter Drive and Tunnel Road properties and their claim that the City impermissibly installed and maintains a drainage pipe on their Tunnel Road property. The settlement provides that the City will purchase the Tunnel Road property and also includes damages for the Exeter Drive property and attorney's fees and costs. This settlement was approved at closed sessions on March 20 and April 3, 2007.

Respectfully submitted,

A handwritten signature in cursive script that reads "Randolph W. Hall for".

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Jannie L Wong

403391

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RWH
Oakland City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

JLW:dw

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF SILVEIRA V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG03-112177 IN THE AMOUNT OF \$2,000,000.00 (PUBLIC WORKS AGENCY)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Silveira v. City of Oakland, Alameda County Superior Court Case No. RG03-112177, City Attorney's File No. X01999, in the amount of Two Million Dollars and No Cents (\$2,000,000.00), plus customary real estate closing costs in Alameda County, and to purchase, using a portion of the settlement proceeds, the real property at Tunnel Road designated as APN 048H-7520-007-04.

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 Two Million Dollars and No Cents (\$2,000,000.00) be paid to J.W. SILVEIRA AND BARBARA O. SILVEIRA, as Trustees of THE J.W. SILVEIRA AND BARBARA O. SILVEIRA FAMILY TRUST, and SHAPIRO, BUCHMAN, PROVINE & PATTON LLP, their attorneys.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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