

CITY OF OAKLAND



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

Office of the City Attorney
Barbara Parker
City Attorney

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

May 3, 2022

HONORABLE CITY COUNCIL
Oakland, California

Subject: 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 File No. 31966; consolidated with

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 File No. 31966-1

(Department of Public Works – Inverse Condemnation)

President Fortunato Bas and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled claims for the sum of One Million and One Hundred Thousand Dollars and no cents (\$1,100,000), payable to Law Offices of Rosenberg Mendlin & Rosen, LLP.

This action arises out of landslide on February 21-24, 2017 that affected the residential properties at 6933 Armour Drive, 49 Vista Del Mar Court, and 43 Vista Del Mar Court. The plaintiffs and cross-complainant are the homeowners who allege that an underground City storm drain pipe caused excessive storm water to saturate the soil and cause the landslide. They claim that corrosion in the pipe led to a leak, resulting in storm water escaping the pipe in the landslide location. The homeowners sued the City 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.

The City Council authorized settlement of this case in Closed Session on Thursday, April 21, 2022 (moved by Councilmember Loren Taylor and seconded by Councilmember Dan Kalb - 7 Ayes, 1 excused – Councilmember Sheng Thao).

Respectfully submitted,

A handwritten signature in blue ink that reads "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

Assigned Attorney:
Christina Lum

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