

William McElwain  
Agency Counsel

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**REDEVELOPMENT AGENCY  
OF THE CITY OF OAKLAND**

RESOLUTION No. 80257 C.M.S.

**RESOLUTION AUTHORIZING AND DIRECTING AGENCY COUNSEL TO COMPROMISE AND SETTLE THE CASE OF OAKLAND REDEVELOPMENT AGENCY V. WINN SCHWYHART, IN THE AMOUNT OF \$625,000, AS A RESULT OF AN EMINENT DOMAIN ACTION COMMENCED BY THE REDEVELOPMENT AGENCY TO FACILITATE THE UPTOWN PROJECT DEVELOPMENT**

**RESOLVED:** That the Agency Counsel is authorized and directed to compromise and settle the case of *Oakland Redevelopment Agency v. Winn Schwyhart, Santa Clara County Superior Court Case No. 1-05-CV-042261*, for the sum of Six Hundred and Twenty-Five Thousand Dollars and No Cents (\$625,000) (which includes \$475,000 previously appropriated by the Agency and deposited with the court for Schwyhart's account), payable to Winn Schwyhart, as a result of an eminent domain action commenced by the Redevelopment Agency to facilitate the Uptown Project development; and be it

**FURTHER RESOLVED:** That the Agency hereby appropriates funds in the amount of One Hundred and Fifty Thousand dollars (\$150,000) from Fund 9516 (1989 Bond Fund), Project P221520, Organization 94800, and authorizes the Agency Administrator or her designee to allocate said funds toward payment of the above-referenced settlement; and be it

**FURTHER RESOLVED:** That the Agency Counsel 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 Six Hundred and Twenty-Five Thousand Dollars and No Cents (\$625,000), which includes \$475,000 previously deposited with the court for Schwyhart's account, and \$150,000 of newly appropriated funds as provided for herein, inclusive of interest and costs, be paid to Winn Schwyhart.

In Agency, Oakland, California, DEC 5 2006, 2006

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, KERNIGHAN AND  
PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- ~~0~~

ABSTENTION- ~~0~~

Attest: LaTonda Simmons

LaTonda Simmons  
SECRETARY OF THE REDEVELOPMENT AGENCY  
OF THE CITY OF OAKLAND, CALIFORNIA