Approved as to Form and Legality
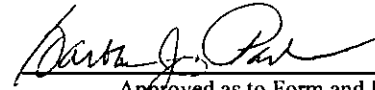
OAKLAND CITY COUNCIL

RESOLUTION NO. 84046 C.M.S. (AMENDED)

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF SIERRA AT JACK LONDON SQUARE OWNERS' ASSOCIATION V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG10520586 IN THE AMOUNT OF $21,000.00 (PUBLIC WORKS AGENCY – INVERSE CONDEMNATION)

WHEREAS: Common areas of 311 Oak Street, managed by Plaintiff Sierra At Jack London Square Owners' Association were damaged by the intrusion of water from an overflowing drainage inlet on October 19, 2009;

WHEREAS: Plaintiff Sierra at Jack London Square Owners' Association filed the above-referenced action to recover damages to property at 311 Oak Street; and

WHEREAS: The City has determined to compromise and settle Plaintiff Sierra At Jack London Square Owner's Association's claim against it for the sum of Twenty-one Thousand Dollars and no Cents ($21,000.00);

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Sierra At Jack London Square Owners' Association v. City of Oakland, Alameda County Superior Court No. RG10520586, City Attorney's File No. 27537 for a sum not to exceed Twenty-one Thousand Dollars and no Cents ($21,000.00), payable by the City of Oakland.

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 Twenty-one Thousand Dollars and no Cents ($21,000.00), be paid to Sierra At Jack London Square Owners' Association and Berding & Weil LLP, its attorneys. OCT 02 2012

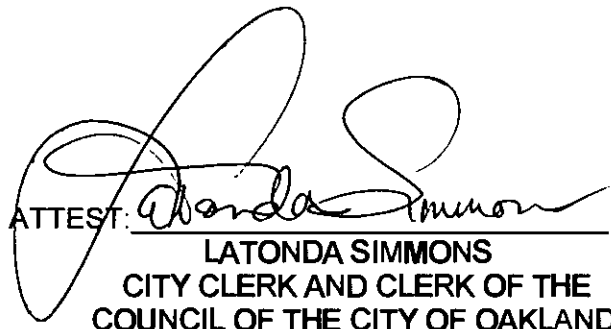IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2012

PASSED BY THE FOLLOWING VOTE:

AYES- DE LA FUENTE, KERNIHGAN, NADEL, BRUNNER, SCHAFF, BROOKS, KAPLAN and PRESIDENT REID — 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST: _____
LATONDA SIMMONS
CITY CLERK AND CLERK OF THE
COUNCIL OF THE CITY OF OAKLAND

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