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CITY OF OAKLAND



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Office of the City Attorney
Barbara J. Parker
City Attorney

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October 2, 2012

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Sierra At Jack London Square Owners' Association v. City of
Oakland, et al, Alameda County Superior Court No. RG10520586
Our File No. 27537 (PUBLIC WORKS AGENCY – INVERSE
CONDEMNATION)**

President Raid 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 action for the sum of Twenty-one Thousand Dollars and No Cents (\$21, 00.00) payable to Plaintiff Sierra At Jack London Square Owners' Association and Berding & Weil LLP, its attorney.

This action arises out of a blocked drainage inlet at 3rd and Oak Streets that caused water to intrude into and damage 311 Oak Street on October 19, 2009. Settlement of this matter is recommended to avoid the risk of a more adverse jury verdict. This matter was not discussed at closed session.

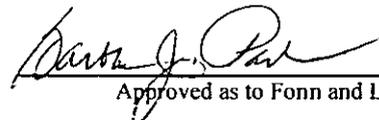
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Barbara J. Parker', written in a cursive style.

BARBARA J. PARKER
City Attorney

Attorney Assigned:
Arlene M. Rosen
1019950

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Approved as to Form and Legality

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ 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.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2012

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

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