

CITY OF OAKLAND



CONFIDENTIAL

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December 5, 2006

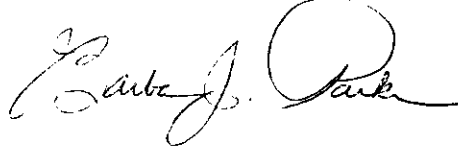
HONORABLE CITY COUNCIL AND REDEVELOPMENT AGENCY
Oakland, California

President De La Fuente and Members of the City Council and Redevelopment Agency

Subject: Resolution Authorizing Settlement of
Oakland Redevelopment Agency v. Winn Schwyhart
Santa Clara County Superior Court Case No. 1-05-CV-042261

Pursuant to Section 401 of the Charter, the City Attorney/Agency Counsel has prepared and recommends settlement of the above-entitled case for 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, inclusive of interest and costs, as a result of an eminent domain action commenced by the Redevelopment Agency to facilitate the Uptown Project development. This was a closed session item.

Respectfully submitted,


for JOHN A. RUSSO
City Attorney

William McLean
Agency Counsel

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**REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND**

RESOLUTION No. _____ 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, _____, 2006

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

Attest: _____

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