

Barbara J. Parke

City Attorney's Office

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2020 JAN -9 PM 3: 03

OAKLAND CITY COUNCIL

RESOLUTION NO. 87986 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF PETER DIXON v. THE CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG18900542, CITY ATTORNEY FILE NO. 32558, IN THE AMOUNT OF ONE HUNDRED EIGHTY-FIVE THOUSAND DOLLARS AND NO CENTS (\$185,000.00) (DEPARTMENT OF PUBLIC WORKS – INVERSE CONDEMNATION)

WHEREAS, Plaintiff alleges that a landslide allegedly caused by the discharge of stormwater near his property located at 6035 Skyline Boulevard caused damage to the rear of his property; and

WHEREAS, Plaintiff alleges the property decreased in value by \$342,000 and claims it will cost \$550,000 to stabilize the slope; and

WHEREAS, Plaintiff filed the lawsuit listed above, seeking damages and attorney's fees; and

WHEREAS, the City of Oakland has determined that settlement in this amount, without an admission of liability, is in the best interest of the City; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the above-listed lawsuit for One Hundred Eighty-Five Thousand Dollars and No Cents (\$185,000.00); and be it

FURTHER RESOLVED: That the City Administrator is authorized and directed to issue settlement payments as negotiated by the City Attorney with Sarah A. Loble, Successor Trustee to the Peter Dixon Trust, and her counsel; and be it

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps as may be necessary to effect said settlement.

IN COUNCIL, OAKLAND, CALIFORNIA,

JAN 21 2020

PASSED BY THE FOLLOWING VOTE:

AYES - BAS, GALLO, KALB, GIBSON MCELHANEY, REID, TAYLOR, THAO, AND PRESIDENT KAPLAN, - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:

Latonda Simmons

LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California