

By: Mark P. Wald
City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. 78651 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASES OF J.W. AND BARBARA SILVEIRA v. CITY OF OAKLAND AND OAKLAND REDEVELOPMENT AGENCY, AND CHARLES AND PAMELA WEBER v. CITY OF OAKLAND AND OAKLAND REDEVELOPMENT AGENCY, ALAMEDA COUNTY SUPERIOR COURT CASE NOS. RG03118525, RG03114104 AND RG03115787, WHICH CHALLENGED THE CITY'S ADOPTION OF THE CENTRAL CITY EAST REDEVELOPMENT PLAN (CEDA)

WHEREAS, on July 29, 2003, the City of Oakland adopted Ordinance No. 12528 C.M.S., approving and adopting the Central City East Redevelopment Plan; and

WHEREAS, thereafter plaintiffs' Silveira and Weber brought three separate legal challenges to the adoption of the Central City East Redevelopment Plan, alleging violations of the California Environmental Quality Act and redevelopment law, against the City of Oakland and the Redevelopment Agency ("Lawsuits"); and

WHEREAS, the parties wish to settle the Lawsuits; now, therefore, be it

RESOLVED: that the City Attorney is authorized and directed to compromise and settle the Lawsuits by removing the property, commonly known 499 Embarcadero or 1 Fifth Avenue, Oakland, from the Central City East Redevelopment Project Area by means of a Court order as part of a stipulated judgment validating the Redevelopment Plan; 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, JUL 6 2004, 2004

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, AND PRESIDENT DE LA FUENTE - 8
NOES- 0
ABSENT- 0
ABSTENTION- 0

ATTEST: CEDA FLOYD
CEDA FLOYD
City Clerk and Clerk of the Council of the City of Oakland, California