

CITY OF OAKLAND



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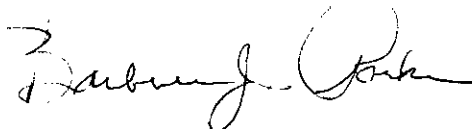
HONORABLE CITY COUNCIL AND REDEVELOPMENT AGENCY
Oakland, California

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

Subject: Resolution Authorizing Settlement of
Oakland Redevelopment Agency v. Feldstein et. al
Santa Clara County Superior Court Case No. 1-05-CV-045312

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 Two Million Seven Hundred and Eighty Thousand Six Hundred and Ten Dollars and No Cents (\$2,780,610), which includes \$1,956,170 previously deposited with the court for the Feldsteins' 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


Agency Counsel

07/15/05 11:23:33

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. FELDSTEIN ET. AL, IN THE AMOUNT OF \$2,780,610, 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. Feldstein et. al, Santa Clara County Superior Court Case No. 1-05-CV-045312*, for the sum of Two Million Seven Hundred and Eighty Thousand Six Hundred and Ten Dollars (\$2,780,610) (which includes \$1,956,170 previously appropriated by the Agency and deposited with the court for the Feldsteins' account), payable to Leon & Leon Trust Account for defendants Beatrice Feldstein, Kenneth Feldstein, Nancy Feldstein, David Smith and Florence Smith, 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 Six Hundred and Forty Thousand dollars (\$640,000) from the Agency's 2005 Bonds (Fund 9533, Project P128660), and One Hundred and Eighty-Four Thousand Four Hundred and Forty dollars (\$184,440) from the Central District Tax Allocation Bond Series 1989 Fund (Fund 9516, Project 221520), which when added to the One Million Nine Hundred Fifty Six Thousand One Hundred and Seventy Dollars (\$1,956,170) previously appropriated by the Agency and deposited with the court for the defendants account, equals the total settlement amount of Two Million Seven Hundred and Eighty Thousand Six Hundred and Ten Dollars and No Cents (\$2,780,610), 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 Two Million Seven Hundred and Eighty Thousand Six Hundred and Ten Dollars and No Cents (\$2,780,610), which includes \$1,956,170 previously deposited with the court for Schwyhart's account, and Eighty Hundred and Twenty Four Thousand Four Hundred and Forty Dollars and No Cents (\$824,440) of newly appropriated funds as provided for herein, inclusive of interest and costs, be paid to Leon & Leon

Trust Account for defendants Beatrice Feldstein, Kenneth Feldstein, Nancy Feldstein, David Smith and Florence Smith.

In Agency, Oakland, California, _____, 2007

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