

Barbara J. Parker

CITY ATTORNEY'S OFFICE

2024 MAR -7 PM 3:57

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

RESOLUTION NO. 90146 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF FLATIRON WEST, INC. V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG19041029, CITY ATTORNEY FILE NO. 33689, FOR PAYMENT TO THE CITY OF THE SUM OF \$250,000.00 (DEPARTMENTS OF TRANSPORTATION AND PUBLIC WORKS – BREACH OF CONTRACT)

WHEREAS, The City contracted with Plaintiff Flatiron West, Inc. to serve as the general contractor on the Replacement of Embarcadero Bridge over Lake Merritt Channel; and

WHEREAS, Flatiron West, Inc. filed a complaint against the City on October 29, 2019 alleging breach of contract against the City and seeking in excess of \$3.3 million in damages; and

WHEREAS, the City filed a cross-complaint against Flatiron West, Inc. and against the project designers T.Y. Lin International, AECOM, AECOM Technical Services, Inc., and T.Y. Lin International/AECOM, a joint venture; and

WHEREAS, the City has considered all of the evidence, litigation costs, and litigation risks in this case and determined that it is in its best interests to agree to settle all claims in the lawsuit by a payment to the City of \$250,000.00 and a release of all claims by all parties, except any claims the City may have for latent defects; and

WHEREAS, the City does not admit any wrongdoing or liability; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of *Flatiron West, Inc. v. City of Oakland*, Alameda County Superior Court Case no. RG19041029, City Attorney File No. 33689 for payment to the City of \$250,000.00 and a release of all claims by all parties, except any claims the City may have for latent defects; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

MAR 19 2024

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND PRESIDENT FORTUNATO BAS - 8

NOES - 0
ABSENT - 0
ABSTENTION - 0

ATTEST:

ASHA REED

ASHA REED

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