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REDEVELOPMENT AGENCY  
OF THE CITY OF OAKLAND

03 JUL -2 PM 12:04

2003-53

RESOLUTION No. \_\_\_\_\_ C.M.S.

INTRODUCED BY AGENCY MEMBER \_\_\_\_\_

**RESOLUTION AUTHORIZING PAYMENT OF AN AMOUNT NOT TO EXCEED \$395,000 FOR THE ATTORNEY'S FEES AND COSTS PORTION OF JUDGMENT IN THE MATTER OF OAKLAND REDEVELOPMENT AGENCY V. MARTIN, ET AL., SAN FRANCISCO SUPERIOR COURT NO. 301255 (THE BERMUDA BUILDING EMINENT DOMAIN LITIGATION)**

**WHEREAS**, the Oakland Redevelopment Agency ("Agency") commenced *condemnation litigation* against the owners of the property located at 2150 Franklin Street, Oakland (the site of the former Bermuda Building, Oakland Redevelopment Agency v. Martin, et al., San Francisco Superior Court No. 301255);

**WHEREAS**, at the conclusion of trial, judgment was entered against the Agency in the amount of \$3.5 million, plus interest, the owners' attorney's fees and their litigation costs;

**WHEREAS**, the Agency appealed the judgment, but did not prevail on the appeal;

**WHEREAS**, the Agency previously deposited the amount of the judgment for the value of the property and outstanding interest into Court, the Agency must now pay the judgment amount for the owners' attorney's fees and litigation costs in order to finalize the litigation and satisfy the judgment; now, therefore, be it:

**RESOLVED** that the City Attorney is authorized and directed to pay the owners' attorney's fees and litigation costs as set out in the judgment in San Francisco Superior Court No. 301255 in an amount not to exceed \$395,000;

**FURTHER RESOLVED** that the City Attorney is authorized and directed to take all further actions as are needed to finalize and satisfy the judgment in San Francisco Superior Court No. 301255.

IN AGENCY, OAKLAND, CALIFORNIA, JULY 15, 2003

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, ~~NADDEL~~, QUAN, REID, WAN, AND  
CHAIR PERSON DE LA FUENTE - 7

NOES- 0

ABSENT- 0

ABSTENTION- Nadel - 1

ATTEST:



CEDA FLOYD

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