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CITY OF OAKLAND



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July 29, 2014

HONORABLE CITY COUNCIL
Oakland, California

**Subject: City of Oakland v. Fairmount West Development Co. Inc.
Alameda County Superior Court Case No. RG14718973
City Attorney File No. X04012
Finance**

President Kernighan and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled claim for the Ninety Nine Thousand Fifty One Dollars and Thirty Cents (\$99,051.30), payable to the City of Oakland.

This action arises out of Fairmount West development's failure to pay business license taxes for the years 2005 to 2012. As a result, the City of Oakland filed an action to recover unpaid business license taxes owed to the City of Oakland by Fairmount West Development.

The Council authorized settlement of this case in Closed Session on Tuesday, July 15, 2014, moved by Councilmember Rebecca Kaplan and seconded by Councilmember Larry Reid – 6 Ayes, 2 Absent.

Respectfully submitted,

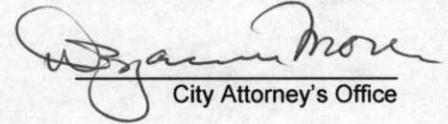
A handwritten signature in black ink, which appears to read 'Barbara J. Parker', written over a horizontal line.

BARBARA J. PARKER
City Attorney

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Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF CITY OF OAKLAND V. FAIRMOUNT WEST DEVELOPMENT CO., INC., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG14718973, CITY ATTORNEY'S FILE NO. X04012, FOR A SUM NOT TO EXCEED NINETY NINE THOUSAND FIFTY ONE DOLLARS AND THIRTY CENTS (\$99,051.30) (FINANCE)

WHEREAS, Fairmount West Development failed to pay Business License Taxes to the City of Oakland for the calendar years 2005 through 2012 ; and

WHEREAS, Fairmount West Development has agreed to pay to the City of Oakland all outstanding business license taxes for the years 2005 through 2012 without penalties and interest ; and

WHEREAS, it is in the best interest of the City of Oakland to accept payment of the unpaid taxes for the years 2005 through 2012 without penalties and interest to avoid the cost of further litigation; now, therefore, be it

RESOLVED: That the City of Oakland is authorized and directed to compromise and settle the case of City of Oakland v. Fairmount West Development Co. Inc., Alameda County Superior Court Case No. RG14718973, City Attorney's File No. X04012, for a sum not to exceed Ninety Nine Thousand Fifty One Dollars and Thirty Cents (\$99,051.30); and be it

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

FURTHER RESOLVED: That the sum of Ninety Nine Thousand Fifty One Dollars and Thirty Cents (\$99,051.30) be paid to The City of Oakland in compromise of its action against Fairmount West Development.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, AND PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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