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CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
John A. Russo
City Attorney

February 3, 2004

(510) 238-3601
FAX: (510) 238-6500
TTY/TDD: (510) 238-3254

HONORABLE CITY COUNCIL
Oakland, California

Subject: **RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND PARTIALLY SETTLE THE EMINENT DOMAIN CASE OF OAKLAND UNIFIED SCHOOL DISTRICT V. FRIENDLY TRANSPORTATION, INC, CITY OF OAKLAND, ET AL. FOR TWENTY SEVEN THOUSAND, FOUR HUNDRED AND FIFTY DOLLARS (\$27,450.00), AS PARTIAL PAYMENT TO THE CITY FOR LIENS ACCRUED ON PROPERTY LOCATED AT 3835 E. 12TH STREET, OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. 2002062154**

President De La Fuente and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared a resolution for and recommends partial settlement of the above-entitled eminent domain case for the sum of Twenty Seven Thousand, Four Hundred and Fifty Dollars (\$27,450.00), for partial payment of liens accrued on property located at 3835 E. 12th Street, Oakland. (Budget and Finance Agency). This settlement involves one of seven parcels condemned by the Oakland Unified School District.

Respectfully submitted,


JOHN A. RUSSO
City Attorney

Attorney assigned: Richard Illgen

10.9cc
ORA/COUNCIL
FEB 3 2004

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S. 

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND PARTIALLY SETTLE THE EMINENT DOMAIN CASE OF OAKLAND UNIFIED SCHOOL DISTRICT V. FRIENDLY TRANSPORTATION, INC, CITY OF OAKLAND, ET AL. FOR TWENTY SEVEN THOUSAND, FOUR HUNDRED AND FIFTY DOLLARS (\$27,450.00), AS PARTIAL PAYMENT TO THE CITY FOR LIENS ACCRUED ON PROPERTY LOCATED AT 3835 E. 12TH STREET, OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. 2002062154

WHEREAS, the Oakland Unified School District ("OSUD") condemned seven parcels of land between E. 12th Street between 38th and 39th Avenues, Oakland and named the City of Oakland as a defendant in the lawsuit as lien holder on the parcels;

WHEREAS, the City and County of Alameda have liens on the parcel located at 3835 E. 12th Street that exceed the OSUD's appraised value of the condemned property (\$33,000) and the City and County have agreed to divide the total recovery from the eminent domain settlement with 75 percent going to the City (\$27,450) and 25 percent going to the County (\$8,250); be it therefore

RESOLVED: That the City Attorney is authorized and directed to compromise and partially settle the eminent domain case of Oakland Unified School District v. Friendly Transportation, Inc, City Of Oakland, et al. for Twenty Seven Thousand, Four Hundred and Fifty Dollars (\$27,450.00), as partial payment of liens accrued on property located at 3835 E. 12th Street, Oakland, and with a continuing lien against said property for the unpaid balance of the City liens with the proceeds of any future sale of the property by OSUD being paid to the City and County of Alameda with the City receiving 75 percent of the proceeds and the County 25 percent up to the total amount of their respective liens ; and be it.

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

FURTHER RESOLVED: that this settlement is contingent upon the Oakland Unified School District and the County of Alameda accepting the settlement terms.

In Council, Oakland, California, _____, 2004

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, BROOKS, NADEL, REID, QUAN, WAN AND
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

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

10.9CC
ORA/COUNCIL
FEB 3 2004