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CITY OF OAKLAND



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Office of the City Attorney
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City Attorney

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November 18, 2014

HONORABLE CITY COUNCIL
Oakland, California

Subject: Julia Kim v. City of Oakland, Stephen Choi
Alameda County Superior Court No. RG07-358758
City Attorney File No. 26193
Economic & Workforce Development - Real Estate

President Kernighan and Members of the City Council:


Pursuant to Section 401 of the City Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled action. Due to the risk of an adverse jury verdict under the circumstances settlement is recommended in the sum of Fifty-Six Thousand Eight Hundred Thirty Dollars and No Cents (\$56,830.00) payable as follows:

\$31,000 payable to Julia B. Kim and to Brisco, Ivester & Brazil, her attorneys of record;
\$25,000 payable to 3925 Alameda Property, LLC
\$830 payable to Old Republic Title Company

This action arises from an incident on November 17, 2005, wherein the City of Oakland sold real property to Julia Kim that was encumbered with an easement rendering the property unsuitable for its intended use.

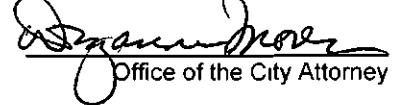
The Council authorized settlement of this case in Closed Session on Wednesday, November 5, 2014 (moved by Councilmember Kaplan and seconded by Councilmember Gallo – 7 Ayes, 1 Absent – Councilmember Kalb).

Respectfully submitted,


BARBARA J. PARKER
City Attorney

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Approved as to Form and Legality


Office of the City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF JULIA KIM V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG07-358758, IN THE AMOUNT OF FIFTY-SIX THOUSAND EIGHT HUNDRED THIRTY DOLLARS AND NO CENTS (\$56,830.00) AS A RESULT OF A REAL ESTATE TRANSACTION OF ENCUMBERED PROPERTY ON OR ABOUT NOVEMBER 17, 2005 (ECONOMIC & WORKFORCE DEVELOPMENT - REAL ESTATE)

WHEREAS, on November 17, 2005, Julia Kim purchased property offered by the City of Oakland for sale at auction; and

WHEREAS, the property purchased by Julia Kim from the City of Oakland on November 17, 2005 contained an encumbrance rendering the property unsuitable for its intended use; and

WHEREAS, Alameda County Superior Court Action RG07-358758 was filed against the City of Oakland; and

WHEREAS, in order to avoid the risk of an adverse jury verdict under the circumstances; now therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Julia Kim v. City of Oakland, City Attorney's File No. 26193, for the sum of Fifty-Six Thousand Eight Hundred Thirty Dollars and No Cents (\$56,830.00); and be it

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

FURTHER RESOLVED: That the sum of Fifty-Six Thousand Eight Hundred Thirty Dollars and No Cents (\$56,830.00) be payable as follows:

\$31,000 payable to Julia B. Kim and to Brisco, Ivester & Brazil, her attorneys of record;

\$25,000 payable to 3925 Alameda Property, LLC

\$830 payable to Old Republic Title Company

IN COUNCIL, OAKLAND, CALIFORNIA

PASSED BY THE FOLLOWING VOTE:

AYES: BROOKS, KAPLAN, GALLO, KALB, GIBSON McELHANEY, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES:

ABSENT.

ABSTENTION.

ATTEST: _____

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

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