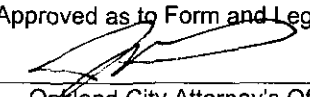


06 MAY - 10:07

Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 79893 C.M.S.

INTRODUCED BY COUNCILMEMBER

A RESOLUTION APPROVING A CONFLICT WAIVER FOR THE LAW FIRM OF FARELLA BRAUN + MARTEL, WHICH CURRENTLY REPRESENTS THE CITY OF OAKLAND ON VARIOUS INSURANCE COVERAGE MATTERS, TO ALLOW THE FIRM TO REPRESENT NEU INVESTMENT CORPORATION REGARDING A PROPOSED GRANTING OF A PEDESTRIAN EASEMENT TO THE CITY ALONG THE WATERFRONT OF PROPERTY LOCATED AT 3675 ALAMEDA AVENUE AS PART OF THE BAY TRAIL

WHEREAS, the law firm of Farella, Braun + Martel currently represents the City of Oakland in connection with various insurance coverage matter; and

WHEREAS, the law firm proposes to represent Neu Investment Corporation in connection with the possible grant of a pedestrian easement to the City of Oakland along the waterfront of property located at 3675 Alameda Avenue as a part of the bay trail; and

WHEREAS, the law firm's proposed representation of Neu Investment Corporation is completely unrelated to the work the firm has performed and continues to perform for the City of Oakland; and

WHEREAS, the law firm has not obtained any confidential information in its representation of the City that would be material to the interests of Neu Investment Corporation in pursuing the aforesaid easement; and

WHEREAS, attorneys have strict ethical rules governing potential conflicts of interest; and the law firm in the interest of prudence has disclosed the proposed representation of Neu Investment Corporation and has requested that the City Council consent to the firm's representation of Neu Investment Corporation; and

WHEREAS, notwithstanding the fact that the matters as to which the law firm represents the City and Neu Investment Corporation are unrelated, there is a possibility that in the future the law firm may learn confidential information that would create a conflict of interest and the law firm will endeavor to apprise the City of any potential future conflicts and resolve them; now therefore be it

RESOLVED, that the City Council hereby waives any conflict of interest that the law firm of Farella Braun + Martel may have by virtue of serving as counsel to the Neu Investment Corporation regarding the possible grant of a pedestrian easement to the City of Oakland along the waterfront of property located at 3675 Alameda Avenue as part of the Bay Trail.

IN COUNCIL, OAKLAND, CALIFORNIA,

MAY 16 2006

PASSED BY THE FOLLOWING VOTE:

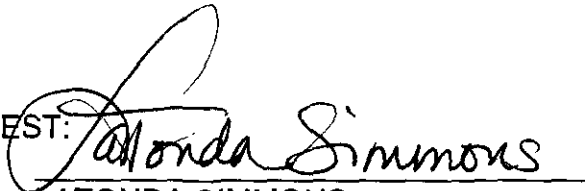
AYES - BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID,
CHANG, AND PRESIDENT DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



LATONDA SIMMONS

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