

OAKLAND CITY COUNCIL

RESOLUTION No. 76027 C.M.S.



REVISED

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF CITY OF OAKLAND VS. CALIFORNIA GLASS COMPANY. ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. 81007-0, ARISING OUT OF EMINENT DOMAIN LITIGATION REGARDING CERTAIN REAL PROPERTY LOCATED AT 155 98TH AVENUE, OAKLAND, COUNTY OF ALAMEDA FOR THE AIRPORT ROADWAY PROJECT, WIDENING AND IMPROVEMENT OF 98TH AVENUE COMPONENT, IN THE AMOUNT OF \$323,757.45, PLUS INTEREST AND COURT COSTS.

WHEREAS, the voters of Alameda County approved Measure B in November 1986 for sales tax funding of specific transportation projects in the county; and,

WHEREAS, the Airport Roadway Project ("Project") is one of the projects designed by Measure B with the Port of Oakland (Port) as the Project Sponsor; and,

WHEREAS, on May 21, 1996, the City Council approved, by Resolution No. 72668 C.M.S. the funding agreement (Agreement) with the Alameda County Transportation Authority (ACTA), the City of Alameda (Alameda) and the Port for sharing the Project expenditure and other related actions to successfully complete the Project; and,

WHEREAS, the City Council approved amendments to the Agreement on December 9, 1997 (by Resolution No. 73963 C.M.S.) and on June 23, 1998 (by Resolution No. 74343 C.M.S.); and,

WHEREAS, on February 17, 1998 the City Council approved the Project and the widening of 98th Avenue by Resolution No. 74075 C.M.S.; and,

WHEREAS, the Airport Roadway Project, in Resolutions No. 74840, 74852 and 74853, dated March 16, 1999, authorized City staff to initiate acquisition, site clearance and relocation activities; and,

WHEREAS, in order to facilitate the portion of the Airport Roadway Project along 98th Avenue, the City has filed a condemnation action to acquire portions of the property located at 155 98th Avenue, Oakland, County of Alameda (the "Property") Alameda County Superior Court No. 810070-0, and,

WHEREAS, California Glass Company, Barbara J. Peri and Leonard L. Silvani, and Bank of America National Trust and Savings Corporation (collectively "Owners") own the Property, the

WHEREAS, the City filed an eminent domain action to acquire Owners' interests in the Property and the City and Owners have agreed to settle the action, with the Owners agreeing to relinquish its interests in consideration for payment by the City; and,

WHEREAS, the project committee overseeing the administration of the Airport Roadway Project, pursuant to the agreements among the project sponsors, the City, the Port of Oakland, the City of Alameda and the Alameda County Transportation Authority, has approved acquisition of the Owner interests in the Properties for the amount described below and the expenditure of project funds for that acquisition, now therefore

THE CITY COUNCIL OF THE CITY OF OAKLAND DOES RESOLVE AS FOLLOWS:

SECTION 1: The City Attorney or his/her designee is authorized to execute such documents as are necessary to settle to eminent domain litigation with the Owners' for an amount not to exceed \$323,757.45 plus interest thereon and court costs, including execution of a Settlement Agreement (the "Settlement Agreement").

SECTION 2: The Stipulation For Entry of Judgment **and** Judgment in Condemnation, to be entered pursuant to the Settlement Agreement, shall be approved as to form and legality by the City Attorney and a copy shall be filed with the office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, OCT - 3 2000, 19

PASSED BY THE FOLLOWING VOTE:

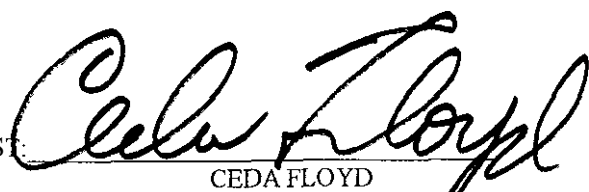
AYES-BRUNNER, CHANG, PRESIDENT DE LA FUENTE, MILEY, NADEL, REID, SPEES, WAN- 8

NOES- *None*

ABSENT- *None*

ABSTENTION- *None*

EXCUSED- *None*

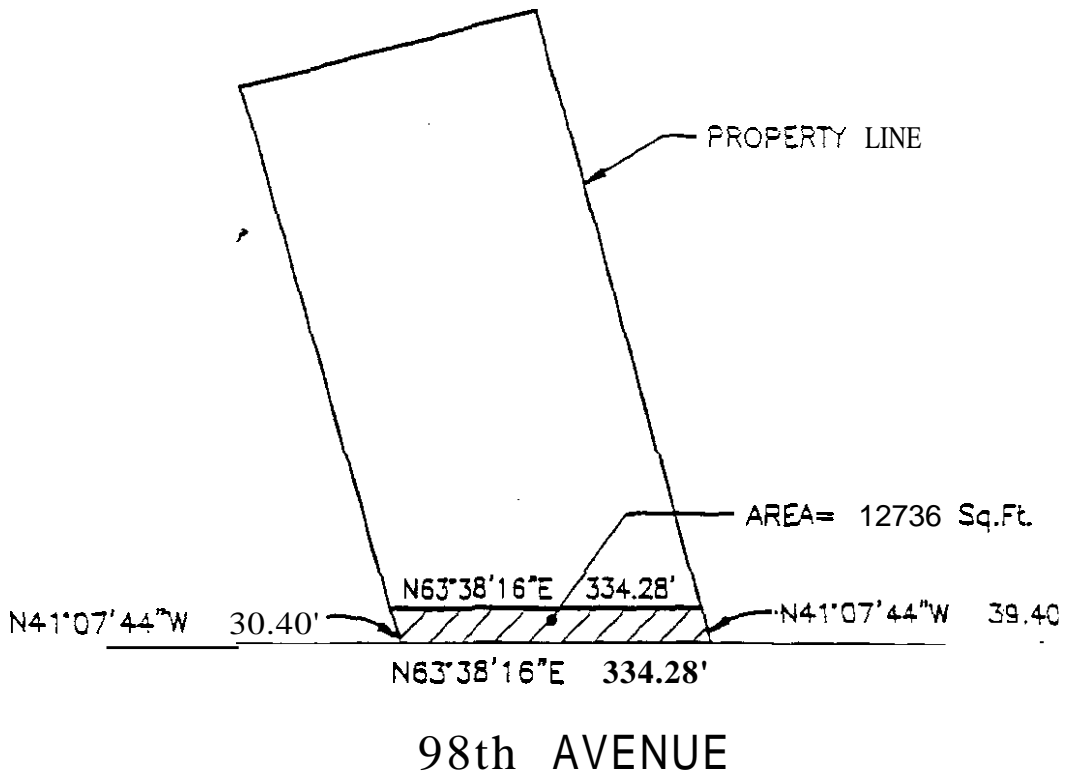
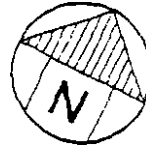
ATTEST: 
CEDA FLOYD
CITY CLERK AND CLERK OF THE COUNCIL
OF THE CITY OF OAKLAND, CALIFORNIA

OAKLAND AIRPORT ROADWAY PROPERTY ACQUISITION

City of Oakland

County of Alameda

Assessor Parcel Number: 44-5020-5-32
Property Address: 155 98th Avenue
Owner: Californic Gicss Company



Total Parcel Area = 27,773 Sq. Ft.
Proposed Area Taken = 12,736 Sq. Ft.

Scale: 1"=200'

47-1
9-19-00

City of Oakland
County of Alameda

LEGAL DESCRIPTION

FEE TAKE

Real Property in the City of Oakland, County of Alameda, State of California: being a portion of the Parcel **as** described in Deed 90-059950, recorded March 2, 1990, described as follows:

BEGINNING at **the** most easterly corner of said Parcel; thence along the southeasterly line of said Parcel $S63^{\circ}38'16''W$, 334.28 feet to the southwesterly boundary of said Parcel; thence along said southwesterly line $N41^{\circ}07'44''W$, 39.40 feet; thence $N63^{\circ}38'16''E$, 314.28 **feet** to the northeasterly boundary of said Parcel; thence along said northeasterly line $S41^{\circ}07'44''E$, 39.40 **feet** to the point of beginning.

CONTAINING 12,736 square feet, more or **less**
3

The bearing and distances of this description are based on the California Coordinate System, using the 1983 North American Datum. Multiply the distances shown by 1.0000705 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Land Surveyors Act.

A.P.N. 044-5020-005-32

John T. Warren

John T Warren, C-22062

12/3/98

Date

9/30/01

Expires

