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CITY OF OAKLAND



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January 3, 2006

HONORABLE CITY COUNCIL AND REDEVELOPMENT AGENCY
Oakland, California

President De La Fuente and Members of the City Council and Redevelopment Agency

Subject: Resolution Authorizing Settlement of
Oakland Redevelopment Agency v. Fung, et al
Santa Clara County Superior Court Case No. 1-05-CV-038955

Pursuant to Section 401 of the Charter, the City Attorney/Agency Counsel has prepared and recommends settlement of the above-entitled case for the sum of Five Hundred Thousand Dollars and No Cents (\$500,000), which includes \$408,000 deposited with the court for Fung's account, and previously withdrawn by Fung, payable to Chungkei Fung, and Leon & Leon, the attorney of record, as a result of an eminent domain action commenced by the Redevelopment Agency to facilitate the Uptown Project development. This was a closed session item.

Respectfully submitted,

for JOHN A. RUSSO
City Attorney

FILED
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 OAKLAND

2005 DEC 21 PM 3:22

**REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND**

RESOLUTION No. _____ C.M.S.

**RESOLUTION AUTHORIZING AND DIRECTING AGENCY
COUNSEL TO COMPROMISE AND SETTLE THE CASE OF
OAKLAND REDEVELOPMENT AGENCY V. FUNG, ET AL,
IN THE AMOUNT OF \$500,000, AS A RESULT OF AN
EMINENT DOMAIN ACTION COMMENCED BY THE
REDEVELOPMENT AGENCY TO FACILITATE THE
UPTOWN PROJECT DEVELOPMENT**

RESOLVED: That the Agency Counsel is authorized and directed to compromise and settle the case of Oakland Redevelopment Agency v. Fung, et al, Santa Clara County Superior Court Case No. 1-05-CV-038955, for the sum of Five Hundred Thousand Dollars and No Cents (\$500,000), which includes \$408,000 previously appropriated by the Agency and deposited with the court for Fung's account and previously withdrawn by Fung, payable to Chungkei Fung and Leon & Leon Trust Account, the attorney of record, as a result of an eminent domain action commenced by the Redevelopment Agency to facilitate the Uptown Project development; and be it

FURTHER RESOLVED: That the Agency hereby appropriates funds in the amount of ninety two thousand dollars (\$92,000) from the Unrestricted Land Sale Proceeds Fund (Fund 9553, Project P130610), and authorizes the Agency Administrator or her designee to allocate said funds toward payment of the above-referenced settlement; and be it

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

FURTHER RESOLVED: That the sum of Five Hundred Thousand Dollars and No Cents (\$500,000), which includes \$408,000 deposited with the court for Fung's account and previously withdrawn by Fung, and \$92,000 of newly appropriated funds as provided for herein, be paid to Chungkei Fung, and Leon & Leon Trust Account, the attorney of record.

In Agency, Oakland, California, _____, 2006

PASSED BY THE FOLLOWING VOTE:

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

NOES-

10.3cc
ORA/COUNCIL
 JAN 03 2006

ABSENT-

ABSTENTION-

Attest: _____

LaTonda Simmons
SECRETARY OF THE REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND, CALIFORNIA

10.3cc
ORA/COUNCIL
JAN 03 2006