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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. Viacom Outdoor, Inc. Alameda County Superior Court Case No. RG 04-189661

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 One Hundred and Forty Thousand Dollars and No Cents (\$140,000), which includes \$121,300 previously deposited with the court for Viacom's account, plus interest accrued on the \$121,300 deposit from July 15. 2005, payable to Viacom Outdoor, Inc. 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.

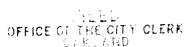
Respectfully submitted,

Mann Cheen

M JOHN A. RUSSO City Attorney

JAN 0 3 2006

Approved as to Form and Legality



## 2005 DEC 21 PM 3: 2REDEVELOPMENT 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. VIACOM OUTDOOR, INC., IN THE AMOUNT OF \$140,000, PLUS INTEREST FROM JULY 15, 2005, 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. Viacom Outdoor, Inc., Alameda County Superior Court Case No. RG- 04-189661 for the sum of One Hundred and Forty Thousand Dollars and No Cents (\$140,000), which includes \$121,300 previously appropriated by the Agency and deposited with the court for Viacom's account, plus interest accrued on the \$121,300 deposit from July 15, 2005, payable to Viacom Outdoor, Inc. 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 eighteen thousand and seven hundred dollars (\$18,700) 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 One Hundred and Forty Thousand Dollars and No Cents (\$140,000), which includes \$121,300 previously deposited with the court for Viacom's account, and \$18,700 of newly appropriated funds as provided for herein, plus interest accrued on the \$121,300 deposit from July 15, 2005, be paid to Viacom Outdoor, Inc.

In Ager	icy, Oakland	l, California,	· , 2	200	6
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## PASSED BY THE FOLLOWING VOTE:

AYES-

BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, KERNIGHAN AND

PRESIDENT DE LA FUENTE

ORA/COUNCIL JAN 0 3 2006

NOES-		
ABSENT-		
ABSTENTION-		
	Attest:	

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

> /0.4CC ORA/COUNCIL JAN 0 3 2006