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Approved as to Form and Legality

D. Miller
Agency Counsel

**REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND**

RESOLUTION No. **79657** 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includes \$408,000 previously appropriated by the Agency and deposited with the court for Fung's account and previously withdrawn by Fung, payable to Chungkei Fung and Leon & Leon Trust Account, the attorney of record, as a result of an eminent domain action commenced by the Redevelopment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Dollars and No Cents (\$500,000), which includes \$408,000 deposited with the court for Fung's account and previously withdrawn by Fung, and \$92,000 of newly appropriated funds as provided for herein, be paid to Chungkei Fung, and Leon & Leon Trust Account, the attorney of record.

JAN 03 2006

In Agency, Oakland, California, _____, 2006

PASSED BY THE FOLLOWING VOTE:

AYES- ~~BROOKS~~, BRUNNER, CHANG, NADEL, QUAN, REID, KERNIGHAN AND
PRESIDENT DE LA FUENTE - 7

NOES- 

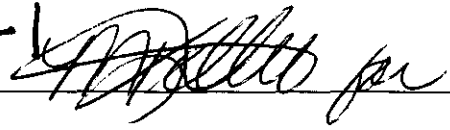
ABSENT-

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ABSTENTION-

Brooks - 1

Attest:



LaTonda Simmons

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