

2019 SEP -5 AM 4:36


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 87850 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF *FRIENDS OF THE SHORT CUT V. CITY OF OAKLAND*, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG18920215, CITY ATTORNEY'S FILE NO. X04601, IN THE AMOUNT OF TWO HUNDRED THIRTY THOUSAND EIGHT HUNDRED SEVENTY EIGHT DOLLARS AND EIGHTY NINE CENTS (\$230,878.89) PLUS INTEREST FROM AUGUST 15, 2019 (DEPARTMENT OF TRANSPORTATION - CEQA)

WHEREAS, this matter arises from a capital improvement project to rehabilitate and make ADA compliant City stair path #137, between Alvarado Road and Tunnel Road adjacent to the Claremont Hotel, known as the Short Cut, and Plaintiffs filed the above-referenced action alleging various CEQA violations; and

WHEREAS, the Superior Court entered judgment in Plaintiffs' favor on May 15, 2019 and Plaintiffs timely filed a motion for attorneys' fees pursuant to Code of Civil Procedure section 1021.5 seeking \$287,901.61; and

WHEREAS, the City disputes that Plaintiffs are entitled to the amount of fees they seek and to the multiplier upon which it is based, but has determined to compromise and settle Plaintiffs' attorneys' fees claims against it for the sum of \$230,878.89 plus interest from August 15, 2019, which represents a \$57,000 discount on the fees sought by Plaintiffs; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of *Friends of the Short Cut v. City of Oakland*, Alameda Superior Court Case No. RG18920215, City Attorney's File No. x04601, for a sum not to exceed Two Hundred Thirty Thousand Eight Hundred Seventy Eight Dollars and Eighty Nine Cents (\$230,878.89) plus interest from August 15, 2019; and be it

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps necessary to effect said settlement.

IN COUNCIL, OAKLAND, CALIFORNIA,

SEP 17 2019

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, ~~THAO~~
AND PRESIDENT KAPLAN -7

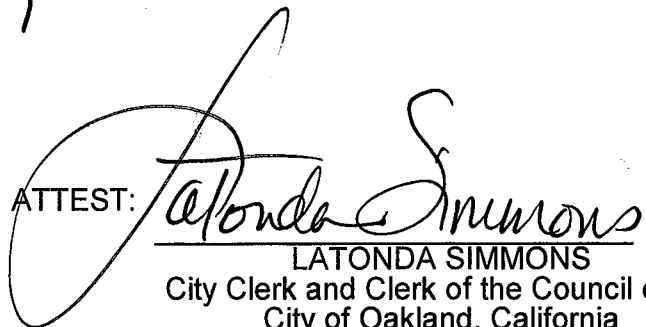
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 1 Thao

ATTEST:


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