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CITY OF OAKLAND



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January 21, 2020

HONORABLE CITY COUNCIL
Oakland, California

Subject: Peter Dixon v. City of Oakland
Alameda County Superior Court Case No. RG18900542
City Attorney File No. 32558
(Department of Public Works – Inverse Condemnation)

President Kaplan and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled claim for the sum of One Hundred Eighty-five Thousand Dollars and No Cents (\$185,000.00), payable to Busby, Zappala & Sanchez.

This action arises out of a landslide that was allegedly caused by the discharge of stormwater near Plaintiff's property located at 6035 Skyline Boulevard. Due to the landslide, approximately sixty feet of the back of the Plaintiff's property catastrophically receded and cannot be restored. Plaintiff alleges the property decreased in value by \$342,000 and claims it will cost \$550,000 to stabilize the slope.

The Council authorized settlement of this case in Closed Session on Tuesday, December 10, 2019 (moved by Councilmember Loren Taylor and seconded by Councilmember Noel Gallo - 7 Ayes, 1 Absent – Councilmember Sheng Thao).

Respectfully submitted,

BARBARA J. PARKER
City Attorney

Assigned Attorney:
David Pereda

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OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF PETER DIXON v. THE CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG18900542, CITY ATTORNEY FILE NO. 32558, IN THE AMOUNT OF ONE HUNDRED EIGHTY-FIVE THOUSAND DOLLARS AND NO CENTS (\$185,000.00) (DEPARTMENT OF PUBLIC WORKS – INVERSE CONDEMNATION)

WHEREAS, Plaintiff alleges that a landslide allegedly caused by the discharge of stormwater near his property located at 6035 Skyline Boulevard caused damage to the rear of his property; and

WHEREAS, Plaintiff alleges the property decreased in value by \$342,000 and claims it will cost \$550,000 to stabilize the slope; and

WHEREAS, Plaintiff filed the lawsuit listed above, seeking damages and attorney's fees; and

WHEREAS, the City of Oakland has determined that settlement in this amount, without an admission of liability, is in the best interest of the City; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the above-listed lawsuit for One Hundred Eighty-Five Thousand Dollars and No Cents (\$185,000.00); and be it

FURTHER RESOLVED: That the City Administrator is authorized and directed to issue settlement payments as negotiated by the City Attorney with Sarah A. Loble, Successor Trustee to the Peter Dixon Trust, and her counsel; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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