



Agenda Date: 02/11/2014

Agenda Item: 3.12

## STAFF REPORT

**Date:** January 29, 2014  
**To:** Mayor and Members of City Council  
**From:** William R. Galstan, Special Counsel *William R. Galstan*  
**Cc:** Derek P. Cole, City Attorney; Bryan Montgomery, City Manager  
**Subject:** Supplemental Report-Out; *Oakley Redevelopment Agency v. Cunha F.L.P.*, Contra Costa Superior Court # CIVMSC10-02405

FOR CONSIDERATION AT THE CITY COUNCIL MEETING OF FEBRUARY 11, 2014

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### Background and Analysis

On December 10, 2013, the City Council received and filed a "report-out" memo regarding a closed session held regarding the above-captioned case on November 12, 2013. The report stated that no reportable action had been taken.

At the specified closed session, the City Council did, by unanimous vote, authorize a settlement of the case. However, the concurrence of the adverse party had not been confirmed by written settlement agreement at that time, thus there was no requirement to report the settlement.

The settlement was signed and approved on January 21, 2014 (the document incorrectly references the year 2013) and thus this report-out is made pursuant to California Government Code Sec. 54957.1(a)(3).

The case was filed as an eminent domain action by the Redevelopment Agency to acquire certain street right-of-way, but subsequently was abandoned due to the termination of California redevelopment agencies. The defendant then filed a motion to retake the property and for damages, inverse condemnation and attorney fees. The case was settled upon payment to the property owner of \$246,791.00 as well as the grant of an easement from Plaintiff to Defendant in the area of the subject underlying eminent domain action.

### Recommendation

Receive and file this report.