

RESOLUTION NO. 06-04

A RESOLUTION OF THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT AND THE TAKING OF ALL STEPS NECESSARY TO EFFECTUATE THE SETTLEMENT OF RICHMOND COMMUNITY REDEVELOPMENT AGENCY V. KIM, CONTRA COSTA SUPERIOR COURT CASE NO. 06-00035

WHEREAS, the Agency filed an eminent domain proceeding on January 5, 2006 in Contra Costa County Superior Court (case no. 06-00035), Richmond Community Redevelopment Agency v. Kim et al. (the "Action").

Whereas, the Agency is represented in the Action by counsel from McDonough Holland & Allen, PC ("Special Counsel").

WHEREAS, the purpose of the Action is to acquire real property commonly known as 222-26 44th Street/4400 Macdonald Avenue and commonly identified as Assessor Parcel Number 517-280-003-8, City of Richmond, County of Contra Costa, California (the "Property"), for the purpose of the construction of Macdonald 80 Retail Center Project (the "Project").

WHEREAS, on January 9, 2006, the Agency deposited with the State Treasurer \$527,600 pursuant to Code of Civil Procedure section 1255.010.

WHEREAS, Daesik Kim and Hwaja Kim as Trustees of the 2002 Kim Family Trust Dated January 13, 2002, are the owners of the Property, and Daesik Kim dba Choy's Wig & Gift Shop operates a business on the Property.

WHEREAS, the Agency desires to enter into a Stipulation for Judgment, attached hereto as Exhibit A, with Daesik Kim and Hwaja Kim as Trustees of the 2002 Kim Family Trust Dated January 13, 2002 and Daesik Kim dba Choy's Wig & Gift Shop.

NOW THEREFORE, the Governing Board of the Agency resolves as follows:

1. The Executive Director and the Agency's Special Counsel are authorized to execute the Stipulation for Judgment, in substantially the same form as attached hereto.
2. The Agency's Executive Director and the Agency's Special Counsel are authorized to take all steps necessary to effectuate the settlement, including without limitation securing a judgment and final order from the Contra Costa County Superior Court, obtaining a refund from the State Treasurer of the deposit of \$527,600 referenced above, and paying the Kims, via counsel, \$584,600.

I certify that the foregoing resolution was passed and adopted by the Richmond Community Redevelopment Agency, Richmond, California, at a regular meeting held on March 21, 2006, 2006 by the following vote:

AYES:	Members Bates, Griffin, Marquez, McLaughlin, Rogers, Thurmond, Viramontes and Chairperson Anderson
NOES:	Councilmember Butt
ABSTENTIONS:	None
ABSENT:	None

SANDRA L. THOMPSON
Acting Clerk of the Redevelopment Agency

(SEAL)

Approved:

IRMA L. ANDERSON
Agency Board Chair

Approved as to form:

JOHN EASTMAN
Agency Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of Resolution 06-04, finally passed and adopted by the Richmond Redevelopment Agency at a meeting held on March 21, 2006 and published in accordance with law.