

MOTION

I HEREBY MOVE that the Council ADOPT the following recommendations of the City Attorney in order to effect settlement in the case entitled Hector Moreno and Elena Moreno v. City, Los Angeles Superior Court Case No. BC394249. (This case arises from a slope failure involving public and private residential property in Lincoln Heights.), **SUBJECT TO THE APPROVAL OF THE MAYOR:**

1. AUTHORIZE the City Attorney to pay a total of \$2,218,175, as final settlement of Plaintiffs' claims.
2. AUTHORIZE the City Attorney to execute a settlement agreement and all other documents necessary to implement the settlement.
3. AUTHORIZE the City Controller to transfer \$1,315,000 from the City Attorney, Fund 100, Department 59, Account No. 009760 to Fund 100, Department 59, Account No. 009770.
4. AUTHORIZE the City Attorney, without further instruction, to draw the necessary demand in the amount of \$468,175 payable to Plaintiffs' Attorney in Fact, Claremont Investments, from the City Attorney, Fund 100, Department 59, Account No. 009770.
5. AUTHORIZE the City Attorney, without further instruction, to draw the necessary demand in the amount of \$1,750,000 payable to the Dixieline Builders Fund Control from the City Attorney, Fund 100, Department 59, Account No. 009770.
6. DIRECT the Bureau of Street Services and the Bureau of Engineering to explore funding sources to reimburse the City Attorney, Fund 100, Department 59, for the costs of any and all repair work done on City property as a result of the slope failure along Soto Street.
7. AUTHORIZE the City Attorney, or designee, to prepare Controller instructions for any necessary technical adjustments, subject to the approval of the City Administrative Officer, and AUTHORIZE the Controller to implement the instructions.

This matter was recommended for approval by the Budget and Finance Committee (Krekorian – Koretz - Blumenfield – Bonin “yes”) at its meeting on June 15, 2015, in Closed Session as permitted by Government Code Section 54956.9(d)(1).

PRESENTED BY _____
PAUL KREKORIAN
Councilmember, 2nd District

SECONDED BY _____
MITCHELL ENGLANDER
Councilmember, 12th District

ep
CF 09-2783
June 15, 2015

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