

MOTION

I HEREBY MOVE that the Council ADOPT the following recommendations of the City Attorney in order to effect settlement in the cases entitled Morris/Pesce v. City of Los Angeles and City of Los Angeles v. Clarke Contracting Corporation, Los Angeles Superior Court Case Nos. BC 448511 and BC 467844. (This matter involves cross-claims for damages resulting from a City sewer realignment project on land owned by the Mountains Recreation and Conservation Authority [MRCA]), **SUBJECT TO THE APPROVAL OF THE MAYOR:**

1. APPROVE and AUTHORIZE the City Attorney to accept the proposed settlement in which: the City, MRCA, and Santa Monica Mountains Conservancy would each dismiss its respective cross-complaints with prejudice; the MRCA would agree to continue making the repairs to its property as required by the City of Los Angeles Department of Public Works, Bureau of Engineering; all litigation would be dismissed; and all parties agree that the Court retains jurisdiction to enforce the terms of the settlement agreement.

2. AUTHORIZE the City Attorney to execute the necessary documents to carry out the settlement in accordance with the above terms.

This matter was recommended for approval by the Budget and Finance Committee (Krekorian – Englander – Blumenfield – Bonin “yes”) at its meeting on July 27, 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

REW
CFs 13-0975, 14-0191
July 27, 2015