



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Nora Frimann
City Attorney

SUBJECT: SETTLEMENT OF EMINENT
DOMAIN LAWSUIT FOR
PROPERTY LOCATED AT 150 N.
MONTGOMERY STREET

DATE: May 3, 2024

RECOMMENDATION

Approve the settlement of an eminent domain lawsuit brought by Plaintiff City of San Jose against Defendant Property Owners Rodolfo Duenas, Raul Jimenez, and Yolanda Jimenez in the total amount of \$1,980,470 and authorize the City Attorney to execute a stipulation for entry of judgment.

OUTCOME

Settlement of the eminent domain lawsuit brought by Plaintiff City of San Jose against Defendant Property Owners Rodolfo Duenas, Raul Jimenez, and Yolanda Jimenez in the total amount of \$1,980,470. Of this total amount, \$10,000 is for the payment of Defendant Property Owners costs and attorneys' fees.

BACKGROUND

Plaintiff City of San Jose filed a complaint in eminent domain in Santa Clara County Superior Court against Defendant Property Owners Rodolfo Duenas, Raul Jimenez, and Yolanda Jimenez. As part of this lawsuit, the City seeks to condemn the property for public use for the construction of a parking structure, the Lot E Parking Structure, located at 150 N. Montgomery Street. The settlement is for settlement of all claims by Defendant Property Owners with respect to the property interests acquired in this case.

ANALYSIS

This is a negotiated settlement between the parties to avoid the risks and delays inherent in litigation. The City will pay Defendant Property Owners the total sum of \$1,980,470 in full satisfaction and settlement of all claims, and title to the property will transfer to City of San Jose for the construction of the Lot E Parking Structure. The proposed agreement will conclude the litigation without further cost, expense, or risk of

