

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: 05/18/05
Date Prepared: 05/02/05
Reviewed by:

Subject: Claim #AL500; Target v. City

Report By: Jacqueline L. Bucholz, City Clerk

STAFF RECOMMENDATION

Reject the claim and authorize the City Clerk to send out the appropriate rejection notice to Target Corporation.

BACKGROUND

On September 24, 2004, Meyer Crest, Ltd, filed a complaint-naming defendants Target, Berkeley, City of Albany, CalTrans and Union Pacific Railroad Company. The complaint alleges that Meyer Crest, Ltd., sustained damage to their property located at 1061 Eastshore Highway.

On April 19, 2005, Target filed a claim to be determined in underlying action, Meyer Crest, Ltd, et al v. City of Albany. Target believes that the City of Albany is responsible for any damages to Meyer Crest, Ltd., and if they are compelled to pay any damages, judgments or other awards to Plaintiffs that the City of Albany will be legally and equitably obligated to reimburse Target.

The claim was referred to George Hills Company for their review and recommendation. On April 29, 2005, George Hills submitted a letter recommending that this claim be rejected.

FINANCIAL IMPACT

Possibility of a lawsuit.