

**CITY OF SAN ANTONIO
CITY ATTORNEY'S OFFICE
CITY COUNCIL AGENDA MEMORANDUM**

CONSENT AGENDA
ITEM NO. 46

TO: Mayor and City Council

FROM: Martha G. Sepeda, Acting City Attorney

SUBJECT: Settlement of a lawsuit styled *Zalman Resources, Inc. and Mark Abdelhak v. City of San Antonio*, Cause No. 2000-CI-00604.

DATE: September 29, 2005

SUMMARY AND RECOMMENDATION

An Ordinance approving settlement of the administrative appeal styled *Zalman Resources, Inc. and Mark Abdelhak v. City of San Antonio*, Cause No. 2000-CI-00604 in the amount of \$115,500.00. Staff recommends approval of this ordinance.

BACKGROUND

Plaintiffs owned a mobile home park, which property was flooded in October 1998. When waters receded and property was again habitable, the City of San Antonio refused permits for mobile homes. Portions of Plaintiffs' property were eligible for FEMA purchase monies. Plaintiffs suit alleged takings and sought injunction against City to allow Plaintiffs to continue operating as a mobile home park. Plaintiff also alleged discrimination based on religion. The City agreed to an injunction and the suit was delayed pending FEMA negotiations. Although surrounding properties were purchased by CoSA, the property at issue in this lawsuit was not. After the lawsuit was filed, other issues developed related to the denial of permits. The Plaintiffs property at the time of the flood was netting approximately \$7000.00 per month in rent. The City shut down the property for seventeen months for total lost rent of \$119,000.00.

If this matter proceeds, Plaintiffs will seek other damages, to include interest and attorneys fees. At mediation, the parties proposed settlement as follows:

- \$115,500.00 paid to Plaintiff
- CoSA to restore all permits for mobile home spaces that Plaintiff may lawfully have on his property
- Plaintiff will execute gift deed of a 2.5 acre tract of property to City (property located in linear stretch of land already acquired by City)

FISCAL IMPACT

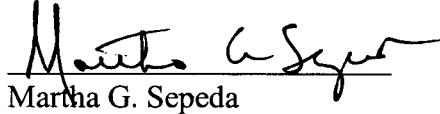
Upon approval of this ordinance, payment will be paid in the amount of \$115,500 paid to Plaintiff from the Self Insured Fund.

POLICY ANALYSIS

Staff recommends approval of this ordinance.

COORDINATION

This item was coordinated with the City Manager's Office.



Martha G. Sepeda
Acting City Attorney



J. Rolando Bono
City Manager