



MEDIA RELEASE

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Contacts: Erica Harrold
(510) 238-3148

Claudia Jimenez, Aide to Council President De La Fuente
(510) 734-4071

City Sues EBMUD for Role in McKillop Slide

(Oakland, CA) – Oakland City Attorney John Russo and Oakland City Council President Ignacio De la Fuente announced this morning that the City of Oakland has filed a public nuisance action against the East Bay Municipal Utility District (EBMUD) in Alameda Superior Court (#RG 07-308738).

In May 2006 a landslide destroyed a home at 2866 McKillop Avenue in Oakland's Dimond District. Adjacent buildings were red and yellow-tagged to prevent occupants from physical harm. The nearly 100 year old Central Reservoir, owned by East Bay Municipal Utility District, is two blocks north of the slide area. The Reservoir is thirteen acres across and over 20 feet deep containing 164-million gallons of water.

"They made some band-aid fixes," said Oakland City Attorney John Russo. "The truth is the last time the reservoir had any real and comprehensive work to repair the cracks, Eisenhower was president."

Through a public records request, city attorneys reviewed recordings from July 2006 of underwater dives inspecting the integrity of the walls on the southeast corner of the reservoir. Evidence of leaks and patchwork repairs were clearly displayed in the video.

"People's lives and property have been severely impacted by this slide and we are going to do whatever we can to help the City and the residents get to the bottom of this," said Council President Ignacio De la Fuente who represents the district.

(continued)

In 1909, Oakland's Central Reservoir was built and run by what is the precursor to EBMUD. The first landslide in the McKillop Avenue area occurred in 1935, less than ten years after the neighborhood was built, and began what will be over eight decades of documented land movement in the community.

Between 1935-1937 fourteen homes were destroyed as a result of the landslides on McKillop Avenue. After eight more homes fell to slides between 1953-1956, McKillop area residents brought a case against EBMUD and the Central Reservoir leading to the execution of numerous geological and soil tests performed by Oakland's Civil Engineering Department. In 1957, the Oakland City Council asked EBMUD to reline the Central Reservoir. One year later, residents stated the slide was once again occurring. In an attempt to seal the numerous cracks in the concrete block floors and walls of the reservoir, EBMUD drained the reservoir in 1960 and inserted an asphalt lining. Since that time, the lining has peeled away, and has not been replaced. Leakage from the reservoir has been documented, with known leaks temporarily patched.

The City of Oakland is currently working to save the paved street on McKillop Avenue which has eroded since the slide in May 2006 to prevent further loss for the residents living on the up slope of the hill. The cost to repair the street is estimated to reach \$3 million.

The City is asking the court to compel EBMUD to repair the Central Reservoir, pay for the cost of repair for the road and repair the area of the slide to ensure the safety of the residences in the area.

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