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Published November 18th, 2015

Legal Cost in Question

By Sophie Braccini

While \$55,000 is not pocket change for a town like Moraga, when Vice Mayor Mike Metcalf asked the town attorney at the Oct. 28 council meeting what it cost to defend the town against a developers' lawsuit, which challenged the town's acceptance of a referendum petition, the high number sent waves of trepidation through the assembly.

Earlier this year, a group of residents collected signatures to hold a referendum against the rezoning of a vacant property along Moraga Way near the fire station, where 36 housing units are proposed. Developer City Ventures challenged the validity of the referendum and sued the town of Moraga. A judge recently ruled in favor of the developer.

According to Planning Director Ellen Clark, the town should get its money back. "One of the conditions of approval for the project is that the developer has to pay for legal fees," she said. At the time of her comment she was not sure if City Ventures would be forthcoming about reimbursing the town, but she said that her department could hold any application that does not comply with its conditions of approval.

Director of development at City Ventures, Charity Wagner, who has been in charge of this project, did not respond to questions about her employer's position regarding the legal fees.

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