

1 [Tolling Agreement Extension with Irrigation District.]

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3 **Resolution approving Tolling Agreement Extension with Modesto and Turlock Irrigation**  
4 **Districts.**

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6 WHEREAS, The City and County of San Francisco has been named as a defendant in  
7 the following three lawsuits filed as a result of flooding on the lower Tuolumne and San  
8 Joaquin Rivers in early 1997:

9 *Anderson et al. v. City and County of San Francisco, et al.; Flodman, et al. v. City and*  
10 *County of San Francisco, et. al; Anthony, et al v. City and County of San Francisco, et*  
11 *al., coordinated as San Joaquin Superior Court No. CV004214;*

12 WHEREAS, The Modesto and Turlock Irrigation Districts (Districts) have also been  
13 named as defendants in the aforementioned suits; and

14 WHEREAS, On October 9, 1998, pursuant to Resolution No. 779-98, the Board of  
15 Supervisors approved the Tolling Agreement on file with the Clerk of the Board of Supervisors  
16 in File No. 98-1421, which is hereby declared to be a part of this resolution as if set forth fully  
17 herein; and,

18 WHEREAS, The City Attorney recommends that the Board of Supervisors approve a  
19 tolling agreement extension with the Districts in this litigation and other similar cases which  
20 may be filed by agreeing to waive the statute of limitations relative to the filing of Government  
21 Code claims and cross complaints for indemnity and other relief between the City, Districts,  
22 and other potential public agency defendants until June 30, 2005; now, therefore, be it

23 RESOLVED, That the Board of Supervisors approves the tolling agreement extension  
24 with the Modesto and Turlock Irrigation Districts, a copy of which is on file with the Clerk of the  
25 Board.