

File No. 221052

Committee Item No. 6

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight Date: December 1, 2022

Board of Supervisors Meeting: _____ Date: _____

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU – CBA FY2022-2024 - Clean
- MOU – CBA FY2022-2024 - Redline
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

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Prepared by: Stephanie Cabrera

Date: November 23, 2022

Prepared by: _____

Date: _____

Prepared by: _____

Date: _____

1 [Settlement of Unlitigated Claim - 100-120 Powell Owner L.P., L.L.C. - \$5,362,325]

2
3 **Resolution approving the settlement of the unlitigated claim filed by 100-120 Powell**
4 **Owner L.P., L.L.C. against the City and County of San Francisco for \$5,362,325; the**
5 **claim was filed on January 14, 2022; the claim involves allegations of property damage**
6 **to the Hotel Union Square caused by shelter-in-place (SIP) hotel guests during the**
7 **COVID-19 pandemic and resulting loss of use; other material terms of the settlement**
8 **include a mutual full and final release, with each party to bear their own costs.**

9
10 WHEREAS, 100-120 Powell Owner L.P., L.L.C., a Delaware limited liability company,
11 filed a claim on January 14, 2022, against the City and County of San Francisco; and

12 WHEREAS, The claim involves allegations of property damage to the Hotel Union
13 Square caused by shelter-in-place (SIP) hotel guests during the COVID-19 pandemic and
14 resulting loss of use; and

15 WHEREAS, The San Francisco Human Service Agency has recommended settlement
16 of the claim by payment of \$5,362,325 and other material terms of the settlement include a
17 mutual full and final release, with each party to bear their own costs; now, therefore, be it

18 RESOLVED, That pursuant to Administrative Code, Section 10.22, the Board of
19 Supervisors hereby authorizes the City Attorney to settle and compromise the claim by
20 payment of \$5,362,325 and other material terms of the settlement include a mutual full and
21 final release, with each party to bear their own costs.

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APPROVED AS TO FORM AND
RECOMMENDED:

DAVID CHIU
City Attorney

/s/
MATTHEW J. ROTHSCHILD
Chief of Claims Division

RECOMMENDED:

DEPARTMENT OF PUBLIC HEALTH

/s/
TRENT RHORER
Executive Director
San Francisco Human Services Agency

FUNDS AVAILABLE:

/s/ Ben Rosenfield
BEN ROSENFELD
Controller

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