

1 [Settlement of Lawsuit]

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3 **Ordinance authorizing settlement of tax refund lawsuit filed by Blackhawk Parent LLC**
4 **against the City and County of San Francisco for \$250,000; the lawsuit entitled**
5 **Blackhawk Parent LLC v. City and County of San Francisco, Case No. 478-160, filed**
6 **August 1, 2008, in San Francisco Superior Court.**

7
8 Be it ordained by the People of the City and County of San Francisco:

9 Section 1. The City Attorney is hereby authorized to settle the action entitled
10 Blackhawk Parent LLC v. City and County of San Francisco, Case No. 478-160, filed August
11 1, 2008, in San Francisco Superior Court; by the payment of \$250,000 to plaintiff. The City
12 will retain the balance of the \$11,751,374 in Real Estate Transfer Tax that Blackhawk Parent
13 LLC paid to the City under protest. In addition, the authorized settlement resolves the
14 outstanding secured property tax lien on One Market Street. A copy of the settlement
15 agreement is contained in Board File No. 100515.

16 Section 2. The following parties were named in the lawsuits: plaintiff and cross-
17 defendant Blackhawk Parent LLC; defendant City and County of San Francisco; and cross-
18 defendant EOP Operating Limited Partnership.

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1 Section 3. The Board of Supervisors approves and authorizes the City's execution,
2 delivery and performance of the settlement agreement.

3 APPROVED AS TO FORM AND
4 RECOMMENDED:

5 DENNIS J. HERRERA
6 City Attorney

7 
8 JAMES M. EMERY
9 Chief of Complex Litigation

10 FUNDS AVAILABLE:

11 
12 BEN ROSENFELD
13 Controller

14 Index Code: 975031
15 Subobject: 05311

RECOMMENDED:

ASSESSOR-RECORDER

16 
17 PHIL TING

TREASURER- TAX COLLECTOR

18 
19 JOSE CISNEROS



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Ordinance

File Number: 100515

Date Passed: May 25, 2010

Ordinance authorizing settlement of tax refund lawsuit filed by Blackhawk Parent, LLC, against the City and County of San Francisco for \$250,000; the lawsuit entitled Blackhawk Parent, LLC, v. City and County of San Francisco, Case No. 478-160 filed August 1, 2008, in San Francisco Superior Court.

May 18, 2010 Board of Supervisors - PASSED, ON FIRST READING

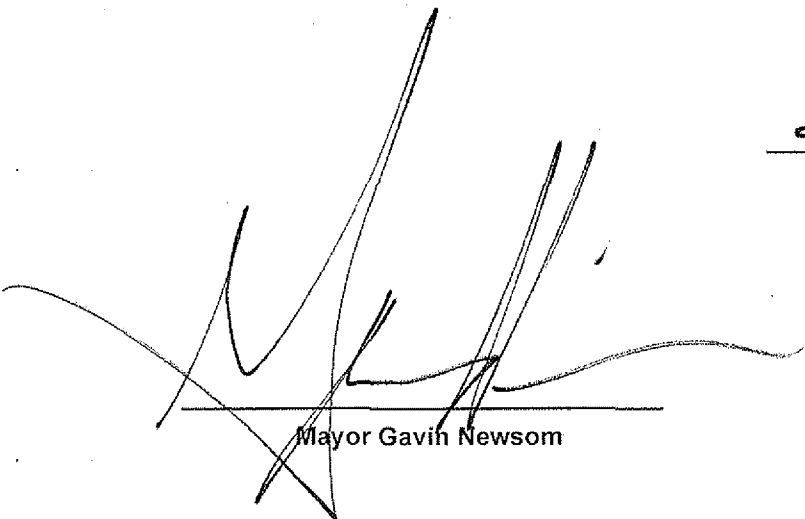
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

May 25, 2010 Board of Supervisors - FINALLY PASSED

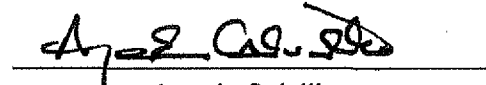
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

File No. 100515

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 5/25/2010 by the Board of Supervisors of the City and County of San Francisco.



Mayor Gavin Newsom



Angela Calvillo
Clerk of the Board

6/02/2010
Date Approved