

1 [Settlement of Lawsuit - Michael Rivas, German Rivas, Lilian Rivas, Heba Williams, Paul  
2 Williams, Eul Hyun Youn, Jeremy Jacquot, Stanley Chow, and Herold Hong - \$650,000]

3 **Ordinance authorizing settlement of the lawsuit filed by Michael Rivas, German Rivas,**  
4 **Lilian Rivas, Heba Williams, Paul Williams, Eul Hyun Youn, Jeremy Jacquot, Stanley**  
5 **Chow, and Herold Hong against the City and County of San Francisco for \$650,000; the**  
6 **lawsuit was filed on July 28, 2023, in San Francisco Superior Court, Case No. CGC-23-**  
7 **607963; entitled Michael Rivas, et al. v. City and County of San Francisco, et al.; the**  
8 **lawsuit involves alleged property damage to four homes (located at 770, 780, 790, and**  
9 **800 Le Conte Avenue in San Francisco) from flooding on December 31, 2022; other**  
10 **material terms of the settlement are 1) Plaintiffs agree that the v-ditch and related**  
11 **drainage facilities at issue in the lawsuit are not a public project, public work, or public**  
12 **improvement; 2) Plaintiffs agree that they are obligated to keep the portions of the v-**  
13 **ditch and related drainage facilities located on their respective properties free of debris**  
14 **and obstruction, and the City agrees that it is obligated to keep the portion of the v-**  
15 **ditch located on City property free of debris and obstruction; 3) Plaintiffs agree to sign**  
16 **and notarize a declaration containing the agreements described in Items 1) and 2),**  
17 **which will be in the form of a Declaration of Restrictive Covenants and recorded**  
18 **against title to their properties and will run with the land.**

19  
20 Be it ordained by the People of the City and County of San Francisco:

21 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby  
22 authorizes the City Attorney to settle the action entitled Michael Rivas, et al. v. City and  
23 County of San Francisco, et al., San Francisco Superior Court, Case No. CGC-23-607963 by  
24 the payment of \$650,000 and the following material terms: 1) Plaintiffs agree that the v-ditch  
25 and related drainage facilities at issue in the lawsuit are not a public project, public work, or

1 public improvement; 2) Plaintiffs agree that they are obligated to keep the portions of the v-  
2 ditch and related drainage facilities located on their respective properties free of debris and  
3 obstruction, and the City agrees that it is obligated to keep the portion of the v-ditch located on  
4 City property free of debris and obstruction; 3) Plaintiffs agree to sign and notarize a  
5 declaration containing the agreements described in Items 1) and 2), which will be in the form  
6 of a Declaration of Restrictive Covenants and recorded against title to their properties and will  
7 run with the land. The Declaration of Restrictive Covenants will state that the City has  
8 terminated and abandoned any right, title, or interest that may have been created in the  
9 portion of the v-ditch and related drainage facilities that are located on Plaintiffs' properties.  
10 The lawsuit involves alleged property damage to four homes (located at 770, 780, 790, and  
11 800 Le Conte Avenue in San Francisco) from flooding on December 31, 2022.

12 Section 2. The above-named action was filed in San Francisco Superior Court on July  
13 28, 2023, and the following parties were named in the lawsuit: Plaintiffs: Michael Rivas,  
14 German Rivas, Lilian Rivas, Heba Williams, Paul Williams, Eul Hyun Youn, Jeremy Jacquot,  
15 Stanley Chow, Herold Hong; Defendant: City and County of San Francisco.

1 APPROVED AS TO FORM AND  
2 RECOMMENDED:

3 DAVID CHIU  
4 City Attorney

5 /s/ Jennifer E. Choi  
6 JENNIFER E. CHOI  
7 Chief Trial Deputy

8 FUNDS AVAILABLE:

9 /s Michelle Allersma for  
10 GREG WAGNER  
11 Controller

RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS

/s/  
CARLA SHORT  
Director

APPROVED:

/s/  
ROBERT FULLER  
Secretary, Department of Public Works

PUBLIC UTILITIES COMMISSION

/s/  
DENNIS HERRERA  
General Manager

APPROVED:

/s/  
TIFFANY LENNEAR  
Director of Commission Affairs

RECREATION & PARK DEPARTMENT

/s/  
PHIL GINSBURG  
General Manager

APPROVED:

/s/ Tiffany Lin-Wilson for  
ASHLEY SUMMERS  
Secretary, Recreation & Park Department