

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.**

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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

RECOMMENDED:
ASSESSOR-RECORDER

7 _____
PHIL TING

8 _____
JAMES M. EMERY
Chief of Complex Litigation

9 FUNDS AVAILABLE:

TREASURER- TAX COLLECTOR

11 _____
12 BEN ROSENFELD
Controller

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JOSE CISNEROS

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