

File No. 210983

Committee Item No. 7

Board Item No. 5

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date: Oct. 7, 2021

Board of Supervisors Meeting:

Date: Oct. 26, 2021

#### Cmte Board

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|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

- |                          |                          |       |
|--------------------------|--------------------------|-------|
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Prepared by: John Carroll

Date: Oct. 1, 2021

Prepared by: John Carroll

Date: Oct. 15, 2021

Prepared by: John Carroll

Date: \_\_\_\_\_

1 [Settlement of Lawsuit - 2170 Folson LLC - \$525,000]

2

3 **Ordinance authorizing partial settlement of the lawsuit filed by 2170 Folson LLC**  
4 **against the City and County of San Francisco for \$525,000; the lawsuit was filed on**  
5 **August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled**  
6 **David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse**  
7 **condemnation arising out of flooding damage during major rainstorms in December of**  
8 **2014; this settlement relates only to the diminution of real property value claims of**  
9 **plaintiff 2170 Folson LLC, and does not include claims for property loss or for**  
10 **attorney's fees, costs and interest.**

11

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

13 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby  
14 authorizes the City Attorney to settle in part, and only as to plaintiff 2170 Folson LLC, the  
15 action entitled David Alfaro, et al. v. City and County of San Francisco, San Francisco  
16 Superior Court, Case No. CGC-15-547492 by the payment of \$525,000 to plaintiff 2170  
17 Folson LLC. The lawsuit involves inverse condemnation arising out of flooding damage  
18 during major rainstorms in December of 2014.

19 Section 2. The above-named action was filed in San Francisco Superior Court on  
20 August 20, 2015. This is an action brought by owners or occupants of several dozen  
21 properties located in San Francisco against defendant City and County of San Francisco.

22 Section 3. This is a partial settlement of the action. It resolves the diminution of real  
23 property value claims of commercial property owning plaintiff 2170 Folson LLC. The parties  
24 will subsequently and separately address all claims for statutory attorney's fees relating to this  
25 action.

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APPROVED AS TO FORM AND  
RECOMMENDED:

DENNIS J. HERRERA  
City Attorney

/s/ Meredith B. Osborn  
MEREDITH B. OSBORN  
Chief Trial Deputy

FUNDS AVAILABLE:

/s/Ben Rosenfield  
BEN ROSENFELD  
Controller

RECOMMENDED:

SAN FRANCISCO PUBLIC UTILITIES  
COMMISSION

/s/  
MICHAEL CARLIN  
Acting General Manager

APPROVED:

/s/  
DONNA HOOD  
Secretary, Public Utilities Commission

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