

1 [Settlement of Lawsuits and Assessment Appeals.]

2

3 **Ordinance authorizing settlement of lawsuits and assessment appeals filed by Mission**

4 **Housing Development Co., Thomas Paine, Ltd., Vista del Monte, Ltd., Buchanan Park,**

5 **Ltd., Prince Hall Ltd., Laurel Gardens, St. Francis Square Apartments, Friendship**

6 **Village Inc., Casa de La Raza, Third Baptist Gardens / F. D. Haynes Apartments, and**

7 **Glenridge Apartments versus the City and County of San Francisco by payment of a**

8 **total amount not to exceed \$1,800,000.00; the cases and appeals are *Mission Housing I***

9 **(San Francisco Co. Super Ct. No. 920940, Court of Appeal No. A075003), *Mission***

10 ***Housing II* (San Francisco Co. Super Ct. No. 920940, Court of Appeal No. A085462),**

11 ***Mission Housing III* (San Francisco Co. Super Ct No. 300781), *Mission Housing IV***

12 **(those assessment appeals for which a decision was rendered by the Assessment**

13 **Appeals Board on September 9, 2003), and *Mission Housing V* (San Francisco Co.**

14 **Superior Ct. No. 502335, Court of Appeal No. A104180); the settlement includes any**

15 **claims for reduced assessment for the 2002-2003 tax year and Plaintiffs/Claimants shall**

16 **not file any claims for refund based on Sections 1604 or 2635 of the Revenue and**

17 **Taxation Code. (A copy of proposed Settlement Agreement placed in Board File No.**

18 **040163.)**

19 Note: Additions are single-underline italics Times New Roman;

20 deletions are ~~strikethrough italics Times New Roman~~.

21 Board amendment additions are double underlined.

22 Board amendment deletions are ~~strikethrough normal~~.

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

24 Section 1. The City Attorney is hereby authorized to settle the court actions entitled

25 *Mission Housing I* (San Francisco Co. Super Ct. No. 920940, Court of Appeal No. A075003),

Mission Housing II (San Francisco Co. Super Ct. No. 920940, Court of Appeal No. A085462),

1 *Mission Housing III* (San Francisco Co. Super Ct No. 300781), *Mission Housing IV* (those
2 assessment appeals for which a decision was rendered by the Assessment Assessment
3 Appeals Board on September 9, 2003), and *Mission Housing V* (San Francisco Co. Superior
4 Ct. No. 502335, Court of Appeal No. A104180), by payment of a total amount not to exceed
5 \$1,800,000.00. The settlement shall include any claims for reduced assessment for the 2002-
6 2003 tax year, and Plaintiffs/Claimants shall not file any claims for refund based on Sections
7 1604 or 2635 of the Revenue and Taxation Code.

8 Section 2. The Mission Housing I lawsuit was filed in San Francisco Superior Court on
9 June 22, 1990 and the following parties were named in the lawsuit: Mission Housing
10 Development Co., Thomas Paine, Ltd., Vista del Monte, Ltd., Buchanan Park, Ltd., Prince Hall
11 Ltd., Laurel Gardens, St. Francis Square Apartments, Friendship Village Inc., Casa de La
12 Raza, Third Baptist Gardens / F. D. Haynes Apartments, and Glenridge Apartments, as
13 plaintiffs, and the City and County of San Francisco, as defendant. The Mission Housing II
14 lawsuit was filed in San Francisco Superior Court on June 22, 1990 and the following parties
15 were named in the lawsuit: Mission Housing Development Co., Thomas Paine, Ltd., Vista del
16 Monte, Ltd., Buchanan Park, Ltd., Prince Hall Ltd., Laurel Gardens, St. Francis Square
17 Apartments, Friendship Village Inc., Casa de La Raza, Third Baptist Gardens / F. D. Haynes
18 Apartments, and Glenridge Apartments, as plaintiffs, and the City and County of San
19 Francisco, as defendant. The Mission Housing III lawsuit was filed in San Francisco Superior
20 Court on January 26, 1999 and the following parties were named in the lawsuit: Mission
21 Housing Development Co., Thomas Paine, Ltd., Vista del Monte, Ltd., Buchanan Park, Ltd.,
22 Prince Hall Ltd., Laurel Gardens, St. Francis Square Apartments, Friendship Village Inc.,
23 Casa de La Raza, Third Baptist Gardens / F. D. Haynes Apartments, and Glenridge
24 Apartments, as plaintiffs, and the City and County of San Francisco, as defendant. *Mission*
25 *Housing IV* is the collective name for those assessment appeals for which a decision was

1 rendered by the Assessment Assessment Appeals Board on September 9, 2003. The
2 Mission Housing V lawsuit was filed in San Francisco Superior Court on January 30, 2003,
3 and the following parties were named in the lawsuit: Mission Housing Development Co.,
4 Thomas Paine, Ltd., Vista del Monte, Ltd., Buchanan Park, Ltd., Prince Hall Ltd., Laurel
5 Gardens, St. Francis Square Apartments, Friendship Village Inc., Casa de La Raza, Third
6 Baptist Gardens / F. D. Haynes Apartments, and Glenridge Apartments, as plaintiffs, and the
7 City and County of San Francisco, as defendant.

8
9 APPROVED AS TO FORM:
10 DENNIS J. HERRERA, City Attorney

11 By: _____
12 JULIE VAN NOSTERN
13 Deputy City Attorney

14 FUNDS AVAILABLE:
15
16 _____
17 EDWARD HARRINGTON
18 Controller

19
20
21
22
23
24
25