

1 [Tolling Agreement - Park Intermediate Holdings LLC - Hyatt Centric Hotel - Real Property
2 Transfer Tax Dispute]

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3 **Resolution approving a Tolling Agreement to extend the statute of limitations for Park**
4 **Intermediate Holdings LLC for the Hyatt Centric Hotel to bring potential litigation**
5 **against the City and County of San Francisco for a refund of real property transfer tax**
6 **to allow for possible resolution of the matter without litigation.**

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8 WHEREAS, The City and County of San Francisco (the “City”) imposed real property
9 transfer taxes, penalties, and interest for the September 17, 2019, change in ownership of the
10 Hyatt Centric Hotel, based on a consideration or value of the real property of \$162,100,000
11 rather than the declared consideration or value of the real property of \$109,000,000; and

12 WHEREAS, Park Intermediate Holdings LLC paid the transfer taxes, penalties, and
13 interest on October 5, 2020, and filed a claim for refund on November 16, 2020 (the “Claim”);
14 and

15 WHEREAS, The value of the Hyatt Centric Hotel real property as of the
16 September 17, 2019, change in ownership is currently the subject of an assessment appeal
17 before the San Francisco Assessment Appeals Board, the outcome of which may permit the
18 City and Park Intermediate Holdings LLC to resolve the Claim without litigation; and

19 WHEREAS, To avoid the need for potentially unnecessary litigation, the City and Park
20 Intermediate Holdings LLC have agreed that the limitations period for any potential litigation
21 related to the Claim shall be extended under the terms set forth in the Tolling Agreement on
22 file with the Clerk of the Board of Supervisors in File No 220799, now, therefore, be

23 RESOLVED, That the Board of Supervisors authorizes the City to agree that the
24 statute of limitations for Park Intermediate Holdings LLC to file an action against the City with

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1 respect to the Claim shall be extended to and including June 30, 2023, under the terms set
2 forth in the Tolling Agreement.

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