

1 [Settlement of Lawsuit - Metro Fuel, LLC - City to Receive \$1,750,000; Approval of Settlement
2 and Relocation Agreement; Waiver of Administrative Code Subsections 2.21(d) and (e)]

3 **Ordinance: 1) authorizing settlement of the lawsuit filed by Metro Fuel against the City
4 and County of San Francisco for payment to the City of \$1,750,000; the lawsuit was
5 filed on November 30, 2007, in the United States District Court for the Northern District
6 of California, Case No. C07-6067 PJH; entitled Metro Fuel, LLC v. City and County of
7 San Francisco, et al.; other material terms of said settlement include settlement of the
8 City's notices of violation against unpermitted panel signs, setting up a process for
9 approval of the relocation and disaggregation of existing lawful billboards to other
10 locations and payment of settlement following the City's approval of relocation permits
11 for such billboards; 2) approving a Relocation and Settlement Agreement for the
12 relocation of certain existing lawful billboards; and 3) waiving the requirements of San
13 Francisco Administrative Code Subsections 2.21(d) and (e).**

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

16 Section 1. Findings. The Planning Department has determined that the actions
17 contemplated in this ordinance comply with the California Environmental Quality Act
18 (California Public Resources Code Section 21000 et seq.). Said determination is on file with
19 the Clerk of the Board of Supervisors in File No. ____ and is incorporated herein by reference.

20 Section 2. The City Attorney is hereby authorized to settle the action entitled "Metro
21 Fuel LLC v. City and County of San Francisco, et al." United States District Court for the
22 Northern District of California, Case No. C07-6067 PJH; by the payment to the City of
23 \$1,750,000 and execution and implementation of a Settlement and Relocation Agreement
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1 ("Agreement") in substantially the form contained in Board of Supervisors File No.

2 _____.

3 Section 3. The above-named action was filed in United States District Court for the
4 Northern District of California on November 30, 2007, and the following parties were named in
5 the lawsuit: Metro Fuel LLC as Plaintiff and City and County of San Francisco as Defendant.

6 Section 4. The Agreement is both a Settlement and Relocation Agreement and this
7 Board of Supervisors approves the Relocation Agreement as required by San Francisco
8 Administrative Code Section 2.21 and hereby waives the requirements set forth in
9 Administrative Code Section 2.21(d) and (e).

10 Section 5. This Board of Supervisors hereby approves the Agreement contained in
11 Board of Supervisors File No. _____ and authorizes the Planning Director to enter
12 into such Agreement on behalf of the City and County of San Francisco.

13

14 APPROVED AS TO FORM AND
15 RECOMMENDED:

RECOMMENDED:

16 DENNIS J. HERRERA
17 City Attorney

PLANNING DIRECTOR

18 _____
19 KATE H. STACY
20 Deputy City Attorney

John Rahaim
Planning Director

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