

1 [Settlement Of Lawsuit]

2

3 **Ordinance authorizing settlement of the lawsuits filed by Harsch Investment Corp.**

4 **against the City and County of San Francisco for Harsch's payment of \$1,464,000.00 to**

5 **four affordable housing projects; the lawsuits were filed on July 19, 1994 in San**

6 **Francisco Superior Court, Case No. 962-445; on November 12, 1996 in San Francisco**

7 **Superior Court, Case No. 982-474; and on February 23, 1994 in United States District**

8 **Court, Northern District of California, Case No. C-94-0629-DLJ; all entitled Harsch**

9 **Investment Corp., v. City and County of San Francisco, et al.**

10

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

12 Section 1. The City Attorney is hereby authorized to settle with plaintiff and cross-

13 defendant Harsch Investment Corp. in the inverse condemnation actions entitled "Harsch

14 Investment Corp. v. City and County of San Francisco, San Francisco Superior Court, Court

15 No. 962-445, Harsch Investment Corp. v. City and County of San Francisco, San Francisco

16 Superior Court, Court No. 982-474, and Harsch Investment Corp v. City and County of San

17 Francisco, United States District Court, Northern District of California, Court No. C-94-0629-

18 DLJ by Harsch's payment of \$1,464,000.00 to three affordable housing projects and one

19 facility for the housing and care of frail seniors: \$1,064,000 to the Tenderloin Neighborhood

20 Development Corporation for the West Hotel Renovation Project at 144 Eddy Street,

21 \$150,000 to North of Market Senior Services to create 13 new residential units at 315 Turk

22 Street, \$150,000 to Friendship House Association of America to build an 80-bed facility on

23 Julian Street in the North Mission, and \$100,000 to the Hebrew Home for Aged Disabled in

24 the Outer Mission.

1 Section 2. The above-named actions were filed as follows: Harsch Investment Corp.
2 City and County of San Francisco, Court No. 962-445 in San Francisco Superior Court on July
3 19, 1994; Harsch Investment Corp. v. City and County of San Francisco, Court No. 982-474 in
4 San Francisco Superior Court on November 12, 1996; and Harsch Investment Corp v. City
5 and County of San Francisco, Court No. C-94-0629-DLJ, in United States District Court,
6 Northern District of California, on February 23, 1994. The following parties were named in all
7 lawsuits: Harsch Investment Corp., City and County of San Francisco.

8 APPROVED AS TO FORM AND
9 RECOMMENDED:

10 DENNIS J. HERRERA
11 City Attorney



12 ANDREW W. SCHWARTZ
13 Deputy City Attorney

RECOMMENDED:

PLANNING DEPARTMENT



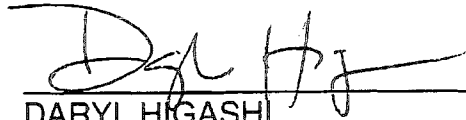
14 GERALD G. GREEN
15 Director

16 APPROVED: DEPARTMENT OF BUILDING
17 INSPECTION



18 FRANK Y. CHIU
19 C.B.O, Director

APPROVED: MAYOR'S OFFICE OF
HOUSING



20 DARYL HIGASHI
21 Director



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 020890

Date Passed:

Ordinance authorizing settlement of the lawsuits filed by Harsch Investment Corp. against the City and County of San Francisco for Harsch's payment of \$1,464,000.00 to four affordable housing projects; the lawsuits were filed on July 19, 1994 in San Francisco Superior Court, Case No. 962-445; on November 12, 1996 in San Francisco Superior Court, Case No. 982-474; and on February 23, 1994 in United States District Court, Northern District of California, Case No. C-94-0629-DLJ; all entitled Harsch Investment Corp., v. City and County of San Francisco, et al.

November 12, 2002 Board of Supervisors — PASSED ON FIRST READING

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin

Noes: 1 - Sandoval

Absent: 2 - Leno, Yee

November 18, 2002 Board of Supervisors — FINALLY PASSED

Ayes: 7 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Newsom, Peskin

Noes: 1 - Sandoval

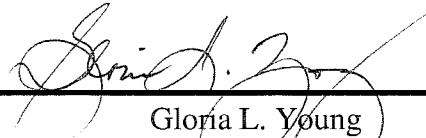
Absent: 3 - Hall, Leno, Yee

File No. 020890

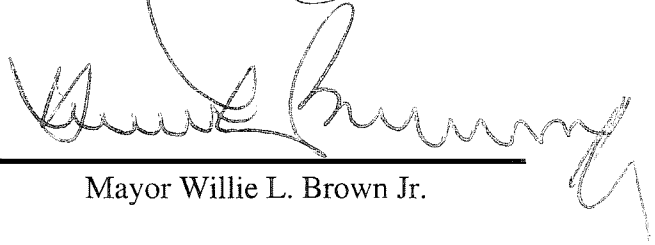
I hereby certify that the foregoing Ordinance was FINALLY PASSED on November 18, 2002 by the Board of Supervisors of the City and County of San Francisco.

NOV 26 2002

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Willie L. Brown Jr.