

1 [Settlement of Lawsuit - Baikonur 1701 LLC - \$410,000]

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3 **Ordinance authorizing partial settlement of the lawsuit filed by Baikonur 1701 LLC**
4 **against the City and County of San Francisco for \$410,000; 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 Baikonur 1701 LLC, and does not include claims for property loss or for**
10 **attorney's fees, costs and interest.**

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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 Baikonur 1701 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 \$410,000 to plaintiff Baikonur
17 1701 LLC. The lawsuit involves inverse condemnation arising out of flooding damage during
18 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 Baikonur 1701 LLC. The parties
24 have previously, separately settled the personal and real property damage claims of all
25 property owners and diminution in value claims of residential property owners in this action

1 (see Board Ordinance No. 43-18, on file with the Clerk of the Board of Supervisors in File No.
2 180028). The parties will subsequently and separately address all claims for statutory
3 attorney's fees relating to this 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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