File No	141056	Committee Item No	6	
-		Board Item No.		

## **COMMITTEE/BOARD OF SUPERVISORS**

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee	Date November 6, 2014			
Board of Supervisors Meeting	Date			
Cmte Board	d/or Report			
OTHER (Use back side if additional space is needed)				
Completed by: Alisa Somera Date October 31, 2014 Completed by: Date				

[Settlement of Lawsuit - Michael P. Walsh, Trustee of the John L. Stevenson Trust - Execution of Long-Term Lease - Mowry East Shopping Center, Fremont, California]

Ordinance authorizing settlement of the lawsuit filed by Michael P. Walsh, Trustee of The John L. Stevenson Trust against the City and County of San Francisco by executing a long-term lease of the City's property for shopping center parking, access and landscaping at the Mowry East Shopping Center, Fremont, California; the lawsuit was filed on November 29, 2011, in Alameda County Superior Court, Case No. RG 11606118; entitled Michael P. Walsh, Trustee of The John L. Stevenson Trust v. City and County of San Francisco; other material terms of said settlement are that the plaintiff will pay fair market rent for portions of the leased premises used for parking, the parties will suspend their current dispute for the duration of the lease and the lease will govern the parties' relationship during the lease term, upon expiration or other termination of the lease, each party will retain its ability to assert the claims presented in the lawsuit, and the plaintiff will dismiss the lawsuit.

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

Section 1. Pursuant to Charter section 6.102(5), the Board of Supervisors hereby authorizes the City Attorney to settle the action entitled Michael P. Walsh, Trustee of The John L. Stevenson Trust v. City And County Of San Francisco, Alameda County Superior Court, Case No. RG 11606118, by the execution of a long-term lease at the Mowry East Shopping Center, Fremont, California whereby the City will allow the plaintiff to use its property for shopping center parking, access, and landscaping, the plaintiff will pay fair market rent based on the leased areas actually used for parking, the parties will suspend their current dispute for the duration of the lease and the lease will govern the parties' relationship during

2 ability to assert the claims presented in the lawsuit, and the plaintiff will dismiss the lawsuit. Section 2. The above-named action was filed in Alameda County Superior Court on 3 November 29, 2011, and the following parties were named in the lawsuit: Michael P. Walsh, 4 5 Trustee of The John L. Stevenson Trust, as plaintiff, and City and County of San Francisco, 6 as defendant. 7 // 8 // // 9 // 10 // 11 // 12 13 // 14 // // 15 // 16 // 17 // 18 19 // // 20 //21 22  $/\!/$ 23 // // 24

the lease term, upon expiration or other termination of the lease, each party will retain its

25

//

1

APPROVED AS TO FORM AND RECOMMENDED:

DENNIS J. HERRERA City Attorney

RONALD P. FLYNN

Chief of Complex and Affirmative Litigation

n:\puc1\li2014\120833\00961789.doc

RECOMMENDED:

PUBLIC UTILITIES COMMISSION

HARLAN L. KELLY, JR. General Manager

APPROVED:

DONNA HOOD

Secretary, Public Utilities Commission

FGISLATION RECEIVED CHECKLIST
Date 10 15/14 File Number (if applicable)
Legislation for Introduction (NEW)  Legislation Pending in Committee (AMENDED)  Legislation for Board Agenda (AMENDED)  Legislation for Board Agenda (AMENDED)  Legislation For Board Agenda (AMENDED)  Legislation Clerk  Committee Clerk  Dep Clerk, Legislative Div
Supervisor, Mayor, and Departmental Submittals
<ul> <li>Grant Ordinance</li> <li>[ ] Legislation: Original and 2 hard copies and 1 electronic copy in word format</li> <li>[ ] Signature: Department Head, Mayor or the Mayor's designee, plus the Controller</li> <li>[ ] Back-up materials: 2 full sets (see below) and 1 electronic copy in pdf format*</li> <li>[ ] Cover letter (original and 1 hard copy)</li> <li>[ ] Grant budget/application</li> <li>[ ] Grant information form, including disability checklist</li> <li>[ ] Letter of Intent or grant award letter from funding agency</li> <li>[ ] Contract, Leases/Agreements (if applicable)</li> </ul>
[ ] Ethics Form 126 (if applicable)*Word format [ ] E-Copy of legislation/back-up materials: Sent to BOS.Legislation@sfgov.org
Ordinance Legislation: Original and 2 hard copies and 1 electronic copy in word format Signature: City Attorney (For Settlement of Lawsuits - City Attorney, Department Head, Controller, Commission Secretary)  Back-up materials: 2 hard copies (see below) and 1 electronic copy in pdf format Cover letter (original and 1 hard copy) Settlement Report/Agreement (for settlements)
[ ] Other (Explain)  [ ] E-Copy of legislation/back-up materials: Sent to BOS.Legislation@sfgov.org
Grant Resolution [ ] Legislation: Original and 2 hard copies and 1 electronic copy in word format [ ] Signature: Department Head, Mayor or the Mayor's designee, plus the Controller [ ] Back-up materials: 2 hard copies (see below) and 1 electronic copy in pdf format* [ ] Cover letter (original and 1 hard copy) [ ] Grant budget/application [ ] Grant information form, including disability checklist [ ] Letter of Intent or grant award letter from funding agency
<ul> <li>[ ] Contract, Leases/Agreements (if applicable)</li> <li>[ ] Ethics Form 126 (if applicable)*Word format</li> <li>[ ] E-Copy of legislation/back-up materials: Sent to BOS.Legislation@sfgov.org</li> </ul>
Resolution [ ] Legislation: Original and 2 hard copies and 1 electronic copy in word format [ ] Signature: None (Required for Settlement of Claims - City Attorney, Department Head, Controller, Commission Secretary) [ ] Back-up materials: 2 full sets (see below) and 1 electronic copy in pdf format [ ] Cover letter (original and 1 hard copy)
<ul> <li>[ ] Cover letter (original and 1 hard copy)</li> <li>[ ] Settlement Report/Agreement (for settlements)</li> <li>[ ] Other (Explain)</li> <li>[ ] E-Copy of legislation/back-up materials: Sent to BOS.Legislation@sfgov.org</li> </ul>
Tou Porez 55-4-2869 City Athornes

Clerk's Office/Forms/Legislation Received Checklist (6/2013) for more help go to: sfbos.org/about the board/general/legislative process handbook

Department

Name and Telephone Number