

1 [Settlement of Lawsuit - Michael Rivas, German Rivas, Lilian Rivas, Heba Williams, Paul
2 Williams, Eul Hyun Youn, Jeremy Jacquot, Stanley Chow, and Herold Hong - \$650,000]

3 **Ordinance authorizing settlement of the lawsuit filed by Michael Rivas, German Rivas,
4 Lilian Rivas, Heba Williams, Paul Williams, Eul Hyun Youn, Jeremy Jacquot, Stanley
5 Chow, and Herold Hong against the City and County of San Francisco for \$650,000; the
6 lawsuit was filed on July 28, 2023, in San Francisco Superior Court, Case No. CGC-23-
7 607963; entitled Michael Rivas, et al. v. City and County of San Francisco, et al.; the
8 lawsuit involves alleged property damage to four homes (located at 770, 780, 790, and
9 800 Le Conte Avenue in San Francisco) from flooding on December 31, 2022; other
10 material terms of the settlement are 1) Plaintiffs agree that the v-ditch and related
11 drainage facilities at issue in the lawsuit are not a public project, public work, or public
12 improvement; 2) Plaintiffs agree that they are obligated to keep the portions of the v-
13 ditch and related drainage facilities located on their respective properties free of debris
14 and obstruction, and the City agrees that it is obligated to keep the portion of the v-
15 ditch located on City property free of debris and obstruction; 3) Plaintiffs agree to sign
16 and notarize a declaration containing the agreements described in Items 1) and 2),
17 which will be in the form of a Declaration of Restrictive Covenants and recorded
18 against title to their properties and will run with the land.**

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

21 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby
22 authorizes the City Attorney to settle the action entitled Michael Rivas, et al. v. City and
23 County of San Francisco, et al., San Francisco Superior Court, Case No. CGC-23-607963 by
24 the payment of \$650,000 and the following material terms: 1) Plaintiffs agree that the v-ditch
25 and related drainage facilities at issue in the lawsuit are not a public project, public work, or

1 public improvement; 2) Plaintiffs agree that they are obligated to keep the portions of the v-
2 ditch and related drainage facilities located on their respective properties free of debris and
3 obstruction, and the City agrees that it is obligated to keep the portion of the v-ditch located on
4 City property free of debris and obstruction; 3) Plaintiffs agree to sign and notarize a
5 declaration containing the agreements described in Items 1) and 2), which will be in the form
6 of a Declaration of Restrictive Covenants and recorded against title to their properties and will
7 run with the land. The Declaration of Restrictive Covenants will state that the City has
8 terminated and abandoned any right, title, or interest that may have been created in the
9 portion of the v-ditch and related drainage facilities that are located on Plaintiffs' properties.
10 The lawsuit involves alleged property damage to four homes (located at 770, 780, 790, and
11 800 Le Conte Avenue in San Francisco) from flooding on December 31, 2022.

12 Section 2. The above-named action was filed in San Francisco Superior Court on July
13 28, 2023, and the following parties were named in the lawsuit: Plaintiffs: Michael Rivas,
14 German Rivas, Lilian Rivas, Heba Williams, Paul Williams, Eul Hyun Youn, Jeremy Jacquot,
15 Stanley Chow, Herold Hong; Defendant: City and County of San Francisco.

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APPROVED AS TO FORM AND
RECOMMENDED:

DAVID CHIU
City Attorney

/s/ Jennifer E. Choi
JENNIFER E. CHOI
Chief Trial Deputy

FUNDS AVAILABLE:

/s/ Michelle Allersma
for
GREG WAGNER
Controller

RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS

/s/
CARLA SHORT
Director

APPROVED:

/s/
ROBERT FULLER
Secretary, Department of Public Works

PUBLIC UTILITIES COMMISSION

/s/
DENNIS HERRERA
General Manager

APPROVED:

/s/
TIFFANY LENNEAR
Director of Commission Affairs

RECREATION & PARK DEPARTMENT

/s/
PHIL GINSBURG
General Manager

APPROVED:

/s/ Tiffany Lin-Wilson for
ASHLEY SUMMERS
Secretary, Recreation & Park Department

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City and County of San Francisco

Tails Ordinance

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

File Number: 250693

Date Passed: July 29, 2025

Ordinance authorizing settlement of the lawsuit filed by Michael Rivas, German Rivas, Lilian Rivas, Heba Williams, Paul Williams, Eul Hyun Youn, Jeremy Jacquot, Stanley Chow, and Herold Hong against the City and County of San Francisco for \$650,000; the lawsuit was filed on July 28, 2023, in San Francisco Superior Court, Case No. CGC-23-607963; entitled Michael Rivas, et al. v. City and County of San Francisco, et al.; the lawsuit involves alleged property damage to four homes (located at 770, 780, 790, and 800 Le Conte Avenue in San Francisco) from flooding on December 31, 2022; other material terms of the settlement are 1) Plaintiffs agree that the v-ditch and related drainage facilities at issue in the lawsuit are not a public project, public work, or public improvement; 2) Plaintiffs agree that they are obligated to keep the portions of the v-ditch and related drainage facilities located on their respective properties free of debris and obstruction, and the City agrees that it is obligated to keep the portion of the v-ditch located on City property free of debris and obstruction; 3) Plaintiffs agree to sign and notarize a declaration containing the agreements described in Items 1) and 2), which will be in the form of a Declaration of Restrictive Covenants and recorded against title to their properties and will run with the land.

July 17, 2025 Government Audit and Oversight Committee - RECOMMENDED AS COMMITTEE REPORT

July 22, 2025 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Chan, Chen, Dorsey, Engardio, Fielder, Mahmood, Mandelman, Melgar, Sauter, Sherrill and Walton

July 29, 2025 Board of Supervisors - FINALLY PASSED


Ayes: 11 - Chan, Chen, Dorsey, Engardio, Fielder, Mahmood, Mandelman, Melgar, Sauter, Sherrill and Walton

File No. 250693

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/29/2025 by the Board of Supervisors of the City and County of San Francisco.



f Angela Calvillo
Clerk of the Board



Daniel Lurie
Mayor

8 / 5 / 2025

Date Approved