

1 [Settlement of Lawsuit - Peninsula Corridor Joint Powers Board - \$975,000]

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3 **Ordinance authorizing settlement of the lawsuit filed by Peninsula Corridor Joint**
4 **Powers Board against the City and County of San Francisco for \$975,000; the lawsuit**
5 **was filed on February 14, 2019, in the Superior Court of California, County of San**
6 **Francisco, Case No. CGC-19-573781; entitled Peninsula Corridor Joint Powers Board v.**
7 **Golden Bay Fence Plus Iron Works, Inc., et al.; the lawsuit involves alleged trespass**
8 **onto the Peninsula Corridor Joint Powers Board’s real property and damage to that**
9 **property, including the severing of subsurface fiber optic lines; other material terms of**
10 **the settlement are the Peninsula Corridor Joint Powers Board, in exchange for the**
11 **payment of the settlement sum, agrees to dismiss the lawsuit in its entirety with**
12 **prejudice and negotiate in good faith a lease for the City’s use of real property located**
13 **at or near 1920 Evans Street in San Francisco.**

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

16 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby
17 authorizes the City Attorney to settle the action entitled Peninsula Corridor Joint Powers
18 Board v. Golden Bay Fence Plus Iron Works, Inc., et al., Superior Court of California, County
19 of San Francisco, Case No. CGC-19-573781 by the payment of \$975,000 in exchange for the
20 dismissal of the lawsuit in its entirety with prejudice and the Peninsula Corridor Joint Powers
21 Board negotiating in good faith a lease for the City’s use of real property located at or
22 near 1920 Evans Street in San Francisco. The lawsuit involves alleged trespass onto the
23 Peninsula Corridor Joint Powers Board’s real property and damage to that property, including
24 the severing of subsurface fiber optic lines.

1 Section 2. The above-named action was filed in Superior Court of California, County of
2 San Francisco on February 14, 2019, and the following parties were named in the lawsuit:
3 plaintiff Peninsula Corridor Joint Powers Board; and defendants Golden Bay Fence Plus Iron
4 Works, Inc., City and County of San Francisco, Caltrans, and California Department of
5 Transportation.

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APPROVED AS TO FORM AND
RECOMMENDED:

DAVID CHIU
City Attorney

/s/
ELAINE M. O'NEIL
Construction and Public Contracting Team
Leader

FUNDS AVAILABLE:

/s/ Michelle Allersma for Ben Rosenfield
BEN ROSENFELD
Controller

RECOMMENDED:

San Francisco Public Works

/s/
Carla Short
Interim Director

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