

1 [Settlement of Unlitigated Claims - 300 Spear Realty Venture LLC]

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3 **Resolution approving the settlement of the unlitigated claim in favor of 300 Spear**
4 **Realty Venture LLC against the City and County of San Francisco; and the unlitigated**
5 **claim in favor of the City and County of San Francisco against 300 Spear Realty**
6 **Venture LLC.**

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8 WHEREAS, During the construction of the building located at 300 Spear Street, San
9 Francisco, California (commonly known as the Infinity), the developer 300 Spear Realty
10 Venture LLC (“300 Spear Realty Venture”) installed certain streetlights that are not of the style
11 and type that can be accepted by the San Francisco Public Utilities Commission (“SFPUC”)
12 for maintenance and repair; and

13 WHEREAS, A dispute has arisen between 300 Spear Realty Venture and the SFPUC
14 in which each party claims that the other party should be responsible for the cost of removing
15 the existing streetlights so that they can be replaced with new streetlights that are acceptable
16 to the SFPUC; and

17 WHEREAS, In order to resolve their disputes without the cost of litigation, the SFPUC
18 and 300 Spear Realty Venture have agreed to a settlement in which the parties would share
19 the cost of removing and replacing the existing streetlights; and

20 WHEREAS, Under the terms of the proposed settlement, 300 Spear Realty Venture
21 would pay the City \$133,000, which would cover the \$130,000 cost of purchasing new
22 streetlights and the \$3,000 cost the SFPUC incurred for the electricity that has been used
23 while the streetlights were under the control of 300 Spear Realty Venture; and

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1 WHEREAS, Under the terms of the proposed settlement, the SFPUC would be
2 responsible for the \$72,000 cost of removing and replacing the existing streetlights with the
3 new streetlights; and

4 WHEREAS, The terms and conditions of the settlement are set forth in the Release
5 and Settlement of Claims Agreement, a copy of which is on file with the Clerk of the Board of
6 Supervisors in File No. 130567 and is hereby declared to be a part of this resolution as if set
7 forth fully herein; now, therefore, be it

8 RESOLVED, That, pursuant to Section 10.22 of the San Francisco Administrative
9 Code, the Board of Supervisors hereby approves the settlement of the unlitigated claim in
10 favor of 300 Spear Realty Venture LLC and against the City and County of San Francisco;
11 and, be it

12 FURTHER RESOLVED, That, pursuant to Section 10.24(b) of the San Francisco
13 Administrative Code, the Board of Supervisors hereby approves the settlement of the
14 unlitigated claim in favor of City and County of San Francisco and against 300 Spear Realty
15 Venture LLC; and, be it

16 FURTHER RESOLVED, That the Board of Supervisors authorizes the San Francisco
17 Public Utilities Commission General Manager to execute the Release and Settlement of
18 Claims Agreement with 300 Spear Realty Venture LLC.

19 APPROVED:

RECOMMENDED:

20 DENNIS J. HERRERA
21 City Attorney

SAN FRANCISCO PUBLIC UTILITIES
COMMISSION

22 See File for Signature
23 WILLIAM K. SANDERS
24 Deputy City Attorney

See File for Signature
HARLAN L. KELLY, JR.
General Manager