

1 [Settlement of Lawsuit – Metro Fuel – City to Receive \$1,750,000; Approval of Settlement and  
2 Relocation Agreement; Waiver of Administrative Code Subsections 2.21(d) and (e)]

3 **Ordinance (1) authorizing settlement of the lawsuit filed by Metro Fuel against the City  
4 and County of San Francisco for payment to the City of \$1,750,000; the lawsuit was  
5 filed on November 30, 2007, in the United States District Court for the Northern District  
6 of California, Case No. C07-6067 PJH; entitled Metro Fuel LLC v. City and County of  
7 San Francisco, et al.; other material terms of said settlement include settlement of the  
8 City's Notices of Violation against unpermitted panel signs, setting up a process for  
9 approval of the relocation and disaggregation of existing lawful billboards to other  
10 locations and payment of settlement following the City's approval of relocation permits  
11 for such billboards; (2) approving a Relocation and Settlement Agreement for the  
12 relocation of certain existing lawful billboards; and (3) waiving the requirements of San  
13 Francisco Administrative Code Subsections 2.21(d) and (e).**

14  
15 Be it ordained by the People of the City and County of San Francisco:

16 Section 1. Findings. The Planning Department has determined that the actions  
17 contemplated in this ordinance comply with the California Environmental Quality Act  
18 (California Public Resources Code Section 21000 et seq.). Said determination is on file with  
19 the Clerk of the Board of Supervisors in File No. <sup>111370</sup> \_\_\_ and is incorporated herein by reference.

20 Section 2. The City Attorney is hereby authorized to settle the action entitled "Metro  
21 Fuel LLC v. City and County of San Francisco, et al.," United States District Court for the  
22 Northern District of California, Case No. C07-6067 PJH; by the payment to the City of  
23 \$1,750,000 and execution and implementation of a Settlement and Relocation Agreement  
24  
25

1 ("Agreement") in substantially the form contained in Board of Supervisors File No.  
2 111370.

3 Section 3. The above-named action was filed in United States District Court for the  
4 Northern District of California on November 30, 2007, and the following parties were named in  
5 the lawsuit: Metro Fuel LLC as Plaintiff and City and County of San Francisco as Defendant.

6 Section 4. The Agreement is both a Settlement and Relocation Agreement and this  
7 Board of Supervisors approves the Relocation Agreement as required by San Francisco  
8 Administrative Code Section 2.21 and hereby waives the requirements set forth in  
9 Administrative Code Section 2.21(d) and (e).

10 Section 5. This Board of Supervisors hereby approves the Agreement contained in  
11 Board of Supervisors File No. 111370 and authorizes the Planning Director to enter  
12 into such Agreement on behalf of the City and County of San Francisco.

14 APPROVED AS TO FORM AND  
15 RECOMMENDED:

16 DENNIS J. HERRERA  
17 City Attorney

18   
19 KATE H. STACY  
20 Deputy City Attorney

RECOMMENDED:

PLANNING DIRECTOR

21   
22 John Rahaim  
23 Planning Director



City and County of San Francisco

Tails  
Ordinance

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

File Number: 111370

Date Passed: February 07, 2012

Ordinance: 1) authorizing settlement of the lawsuit filed by Metro Fuel against the City and County of San Francisco for payment to the City of \$1,750,000; the lawsuit was filed on November 30, 2007, in the United States District Court for the Northern District of California, Case No. C07-6067 PJH; entitled Metro Fuel, LLC v. City and County of San Francisco, et al.; other material terms of said settlement include settlement of the City's notices of violation against unpermitted panel signs, setting up a process for approval of the relocation and disaggregation of existing lawful billboards to other locations and payment of settlement following the City's approval of relocation permits for such billboards; 2) approving a Relocation and Settlement Agreement for the relocation of certain existing lawful billboards; and 3) waiving the requirements of San Francisco Administrative Code Subsections 2.21(d) and (e).

January 19, 2012 Rules Committee - RECOMMENDED..

January 31, 2012 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

February 07, 2012 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

Excused: 1 - Campos

File No. 111370

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/7/2012 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo  
Clerk of the Board

  
Mayor  
Date Approved