

1 [Settlement of Lawsuit - Decorative Plant Services Inc. - \$110,000]

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3 **Ordinance authorizing settlement of the unlawful detainer lawsuit filed by the City and**
4 **County of San Francisco against Decorative Plant Services Inc. (Decorative Plant), by**
5 **Decorative Plant's agreement to surrender possession no later than March 31, 2017,**
6 **Decorative Plant's execution of a Stipulation for Entry of Judgment and a Writ of**
7 **Possession, and San Francisco Public Utilities Commission (SFPUC) agreement to**
8 **provide Decorative Plant a payment not to exceed \$110,000 for reimbursement of**
9 **expenses related to relocation; the lawsuit was filed on November 28, 2016, in San**
10 **Francisco Superior Court, Case No. CUD-16-657190; entitled City and County of San**
11 **Francisco, through the Public Utilities Commission (PUC) v. Decorative Plant Services**
12 **Inc., ACS Marketing Inc. dba S.F. Foliage, Inc., Goldman Enterprises dba Sunborne**
13 **Nursery Inc., related to the termination of the lease agreement entered into**
14 **June 1, 2004, between the SFPUC and Decorative Plant Services Inc., for 127,300**
15 **square feet at the Southeast Community Facility at 1150 Phelps Avenue.**

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

18 Section 1. Pursuant to Charter, Section 6.102(5), the Board of Supervisors hereby
19 authorizes the City Attorney to settle the unlawful detainer action entitled City and County of
20 San Francisco, through the Public Utilities Commission (PUC) v. Decorative Plant Services
21 Inc., ACS Marketing Inc. dba S.F. Foliage, Inc., Goldman Enterprises dba Sunborne Nursery
22 Inc., San Francisco Superior Court, Case No. CUD-16-657190 according to the terms of the
23 Settlement Agreement on file with the Clerk of the Board, in File No. 170006. This lawsuit
24 involves termination of the lease agreement entered into in June 2004 between the San
25 Francisco Public Utilities Commission (SFPUC) and Decorative Plant Services Inc. and

1 vacation of the premises by Decorative Plant Services Inc. The Settlement Agreement
2 provides that the SFPUC will reimburse Decorative Plant for costs associated with relocation if
3 it vacates the premises by March 31, 2017, among other terms of the Settlement Agreement.

4 Section 2. The above-named action was filed in San Francisco Superior Court on
5 November 28, 2016 as an unlawful detainer action and the following parties were named in
6 the lawsuit: Decorative Plant Services Inc., and two subtenants, ACS Marketing Inc. dba S.F.
7 Foliage, Inc., Goldman Enterprises dba Sunborne Nursery Inc.

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10 APPROVED AS TO FORM AND
RECOMMENDED:

RECOMMENDED:

11 DENNIS J. HERRERA
12 City Attorney

Public Utilities Commission

13 _____
NOREEN AMBROSE
14 Utilities General Counsel

_____ HARLAN L. KELLY, JR.
General Manager, Public Utilities
Commission

15 FUNDS AVAILABLE:

APPROVED:

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17 _____
BEN ROSENFELD
18 Controller

_____ DONNA HOOD
Secretary, Public Utilities Commission

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