

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

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

19 Section 1. Pursuant to Charter, Section 6.102(5), the Board of Supervisors hereby
20 authorizes the City Attorney to settle the unlawful detainer action entitled City and County of
21 San Francisco, through the Public Utilities Commission (PUC) v. Decorative Plant Services
22 Inc., ACS Marketing Inc. dba S.F. Foliage, Inc., Goldman Enterprises dba Sunborne Nursery
23 Inc., San Francisco Superior Court, Case No. CUD-16-657190 according to the terms of the
24 Settlement Agreement on file with the Clerk of the Board, in File No. 170007. This lawsuit
25 involves termination of the lease agreement entered into in June 2004 between the San

1 Francisco Public Utilities Commission (SFPUC) and Decorative Plant Services Inc. and the
2 sublease to Goldman Enterprises dba Sunborne Nursery Inc. and vacation of the premises by
3 Goldman Enterprises dba Sunborne Nursery Inc. The Settlement Agreement provides that
4 the SFPUC will reimburse Goldman Enterprises dba Sunborne Nursery Inc. for costs
5 associated with relocation if it vacates the premises by March 31, 2017, among other terms of
6 the Settlement Agreement.

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

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APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney

NOREEN AMBROSE
Utilities General Counsel

FUNDS AVAILABLE:

BEN ROSENFELD
Controller

RECOMMENDED:

Public Utilities Commission

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

APPROVED:

DONNA HOOD
Secretary, Public Utilities Commission

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