

1 [Partial Settlement of Lawsuit - Rick Popko and Nancy Huff - \$36,000]

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3 **Ordinance authorizing settlement of the lawsuit filed by Rick Popko and Nancy Huff**  
4 **against the City and County of San Francisco for \$36,000; the lawsuit was filed on**  
5 **August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled**  
6 **David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse**  
7 **condemnation arising out of flooding damage during major rainstorms; as it relates**  
8 **only to property loss of plaintiffs Rick Popko and Nancy Huff, by the payment**  
9 **of \$36,000, and excluding the claim by these plaintiffs for diminution of value for**  
10 **plaintiffs' real property and the claim by plaintiffs for attorney's fees, costs and**  
11 **interest, which will be addressed in later proceedings.**

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

14 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby  
15 authorizes the City Attorney to settle the action entitled David Alfaro, et al. v. City and County  
16 of San Francisco, San Francisco Superior Court, Case No. CGC-15-547492 by the payment  
17 of \$36,000. The lawsuit involves inverse condemnation arising out of flooding damage during  
18 major rainstorms.

19 Section 2. The above-named action was filed in San Francisco Superior Court on  
20 August 20, 2015. This is an action brought by owners or occupants of several dozen  
21 properties located in San Francisco against defendant City and County of San Francisco.

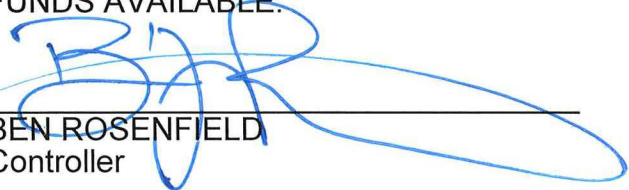
22 Section 3. This is a partial settlement of the action. It resolves the personal and real  
23 property of plaintiffs Rick Popko and Nancy Huff of the claims. The parties will subsequently  
24 and separately address the personal and real property claims of other plaintiffs to the action,  
25 all claims of diminution of property value, and all claims for statutory attorney's fees.

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APPROVED AS TO FORM AND  
RECOMMENDED:

DENNIS J. HERRERA  
City Attorney 


\_\_\_\_\_  
CHERYL ADAMS  
Chief Trial Deputy

FUNDS AVAILABLE:  
  
\_\_\_\_\_  
BEN ROSENFELD  
Controller

RECOMMENDED:

PUBLIC UTILITIES COMMISSION  


\_\_\_\_\_  
HARLAN L. KELLY, JR.  
General Manager

APPROVED:  
  
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DONNA HOOD  
Secretary, Public Utilities Commission

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**City and County of San Francisco**  
**Tails**  
**Ordinance**

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

**File Number:** 180303

**Date Passed:** May 01, 2018

Ordinance authorizing settlement of the lawsuit filed by Rick Popko and Nancy Huff against the City and County of San Francisco for \$36,000; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms; as it relates only to property loss of plaintiffs Rick Popko and Nancy Huff, by the payment of \$36,000 and excluding the claim by these plaintiffs for diminution of value for plaintiffs' real property and the claim by plaintiffs for attorney's fees, costs and interest, which will be addressed in later proceedings

April 18, 2018 Government Audit and Oversight Committee - RECOMMENDED

April 24, 2018 Board of Supervisors - PASSED ON FIRST READING


Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang and Yee


May 01, 2018 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang and Yee

File No. 180303

**I hereby certify that the foregoing Ordinance was FINALLY PASSED on 5/1/2018 by the Board of Supervisors of the City and County of San Francisco.**

  
\_\_\_\_\_  
Angela Calvillo  
Clerk of the Board

  
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Mark E. Farrell  
Mayor

  
\_\_\_\_\_  
Date Approved