

1 [Settlement of Lawsuit - 2170 Folson LLC - \$525,000]

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3 **Ordinance authorizing partial settlement of the lawsuit filed by 2170 Folson LLC**
4 **against the City and County of San Francisco for \$525,000; 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 in December of**
8 **2014; this settlement relates only to the diminution of real property value claims of**
9 **plaintiff 2170 Folson LLC, and does not include claims for property loss or for**
10 **attorney's fees, costs and interest.**

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

13 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby
14 authorizes the City Attorney to settle in part, and only as to plaintiff 2170 Folson LLC, the
15 action entitled David Alfaro, et al. v. City and County of San Francisco, San Francisco
16 Superior Court, Case No. CGC-15-547492 by the payment of \$525,000 to plaintiff 2170
17 Folson LLC. The lawsuit involves inverse condemnation arising out of flooding damage
18 during major rainstorms in December of 2014.

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 diminution of real
23 property value claims of commercial property owning plaintiff 2170 Folson LLC. The parties
24 will subsequently and separately address all claims for statutory attorney's fees relating to this
25 action.

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APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney

/s/ Meredith B. Osborn
MEREDITH B. OSBORN
Chief Trial Deputy

FUNDS AVAILABLE:

/s/Ben Rosenfield
BEN ROSENFELD
Controller

RECOMMENDED:

SAN FRANCISCO PUBLIC UTILITIES
COMMISSION

/s/
MICHAEL CARLIN
Acting General Manager

APPROVED:

/s/
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: 210983

Date Passed: October 26, 2021

Ordinance authorizing partial settlement of the lawsuit filed by 2170 Folsom LLC against the City and County of San Francisco for \$525,000; 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 in December of 2014; this settlement relates only to the diminution of real property value claims of plaintiff 2170 Folsom LLC, and does not include claims for property loss or for attorney's fees, costs and interest.

October 07, 2021 Government Audit and Oversight Committee - RECOMMENDED

October 19, 2021 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

October 26, 2021 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 210983

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
10/26/2021 by the Board of Supervisors of
the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

11/5/21

Date Approved