

1 [Settlement of Lawsuit – City to receive \$3,170,000 for sale of parcel in San Mateo County.]

2
3 **Ordinance authorizing settlement of a lawsuit filed by San Mateo County Transit**
4 **District ("SamTrans") against the City and County of San Francisco and Artichoke**
5 **Enterprises, Inc., a/k/a Artichoke Joe's; and Does 1 through 50, to condemn and take by**
6 **right of eminent domain property owned by the City and County of San Francisco**
7 **located in San Bruno, California, for \$3,170,000; the lawsuit was filed April 13, 2010, in**
8 **San Mateo County Superior Court, Case No. CIV 494013; entitled San Mateo County**
9 **Transit District v. City and County of San Francisco, Artichoke Enterprises, Inc. a/k/a**
10 **Artichoke Joe's; and Does 1 through 50, inclusive.**

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

12 Section 1. The City Attorney is hereby authorized to settle the action entitled San
13 Mateo County Transit District v. City and County of San Francisco, Artichoke Enterprises, Inc.
14 a/k/a Artichoke Joe's; and Does 1 through 50, inclusive, San Mateo County Superior Court,
15 Case No. CIV 494013 by the payment to the City and County of San Francisco ("City") in the
16 amount of \$3,170,000, the full appraised value, for real property located in San Bruno,
17 California, and on such other material terms as are set forth in the Settlement Agreement with
18 Mutual Releases and Exhibits, contained in Board of Supervisors File No. 111372.

19 Section 2. The above-named action was filed in San Mateo County Superior Court on
20 April 13, 2010, and the following defendants were named in the lawsuit: City and County of
21 San Francisco; Artichoke Enterprises, a/k/a Artichoke Joe's; and Does 1 through 50, inclusive.

22 Section 3. The San Francisco Public Utilities Commission approved this settlement by
23 Resolution No. 11-0206 on December 13, 2011. A copy of that resolution is contained in
24 Board of Supervisors File No. 111372 and is incorporated herein by reference.

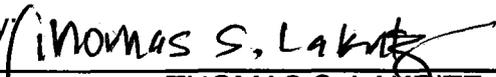
1 Section 4. The San Francisco Planning Department staff has reviewed the proposed
2 transfer of the property and concluded that the transfer is exempt from review under the
3 California Environmental Quality Act ("CEQA") and that the transfer is in conformity with the
4 City's General Plan and the Eight Priority Policies set forth in Planning Code Section 101.1(b).

5 Section 5. Competitive bidding or auction of the Property would be impractical in that
6 the Property is the subject of the litigation and is encumbered by the lease.

7 Section 6: Because the public interest or necessity requires the approval of the
8 transfer or property and because the public interest will not be inconvenienced, the transfer of
9 property is approved.

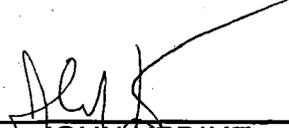
10
11 APPROVED AS TO FORM AND
12 RECOMMENDED:

13 DENNIS J. HERRERA, City Attorney

14 By: 
15 _____
16 THOMAS S. LARRITZ
17 Deputy City Attorney

RECOMMENDED:

SAN FRANCISCO REAL ESTATE DIVISION

14 By: 
15 _____
16 JOHN UPDIKE
17 Director



City and County of San Francisco

**Tails
Ordinance**

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

File Number: 111372

Date Passed: February 07, 2012

Ordinance authorizing settlement of a lawsuit filed by San Mateo County Transit District against the City and County of San Francisco and Artichoke Enterprises, Inc., aka Artichoke Joe's; and Does 1 through 50, to condemn and take by right of eminent domain property owned by the City and County of San Francisco located in San Bruno, California, for \$3,170,000; the lawsuit was filed April 13, 2010, in San Mateo County Superior Court, Case No. CIV 494013; entitled San Mateo County Transit District v. City and County of San Francisco, Artichoke Enterprises, Inc. aka Artichoke Joe's; and Does 1 through 50, inclusive.

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. 111372

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