

1 [Settlement of Lawsuit]

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3 **Ordinance authorizing settlement of the lawsuit filed by Pacific Gas & Electric ("PG&E")**
4 **against the City and County of San Francisco for \$6,700; the lawsuit was filed on May 4,**
5 **2005 in San Francisco Superior Court, Case No. CGC-05-440982; entitled Pacific Gas**
6 **and Electric Company v. City and County of San Francisco; other material terms of said**
7 **settlement are set forth in the Stipulated Judgment and Final Order of Condemnation,**
8 **contained in Board of Supervisors File No. 070005.**

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

11 Section 1. The City Attorney is hereby authorized to settle the action entitled Pacific
12 Gas and Electric Company v. City and County of San Francisco, San Francisco Superior
13 Court No. CGC-05440982, by the payment by PG&E of \$6,700 and on such other material
14 terms as are set forth in the Stipulated Judgment and Final Order of Condemnation, contained
15 in Board of Supervisors File No. 070005, and on such other terms as shall be negotiated
16 and approved by the City Attorney's Office.

17 Section 2. The above-named action was filed in San Francisco Superior Court on May
18 4, 2005, and the following parties were named in the lawsuit: City and County of San
19 Francisco.

20 Section 3: The action was brought by PG&E seeking an underground utility easement
21 over property located in the City and County of San Francisco ("CCSF"), owned by CCSF
22 under the jurisdiction of the San Francisco Public Utilities Commission ("SFPUC") and
23 occupied, in part, by SFPUC underground sewer facilities (the "Property").
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1 Section 4: Plaintiff PG&E has agreed to terms for settlement of the action by payment
2 in the amount of \$6,700 to the City and County of San Francisco for acquisition of a
3 nonexclusive underground utility easement for use in connection with its Potrero-Hunters
4 Point 115kV Project and such restrictions on PG&E's future use of said underground
5 easement as will protect SFPUC's existing facilities on the Property, and the ability of CCSF
6 to make reasonable future use of the Property. Those terms are reflected in the Stipulated
7 Judgment and Final Order of Condemnation, a copy of which is contained in Board of
8 Supervisors File No. 070005 and is incorporated herein by this reference.

9 Section 5: By the terms of the proposed settlement, PG&E will take a non-exclusive,
10 subsurface easement, along with related access rights, and will be prohibited from interfering
11 with CCSF's present or reasonable future use of the Property.

12 Section 6: PG&E's Potrero-Hunters Point 115kV Project will provide certain necessary
13 upgrades to the electrical transmission system serving CCSF in order to improve reliability
14 and increase electrical capacity, and will facilitate closing of PG&E's Hunters Point Power
15 Plant pursuant to PG&E's existing agreement with CCSF.

16 Section 7: The San Francisco Public Utilities Commission approved this settlement by
17 Resolution No. 06-0201 on November 14, 2006. A copy of that resolution is contained in
18 Board of Supervisors File No. 070005 and is incorporated herein by this reference.

19 APPROVED AS TO FORM AND
20 RECOMMENDED:

21 DENNIS J. HERRERA
22 City Attorney

23 
24 KRISTEN A. JENSEN
25 Deputy City Attorney

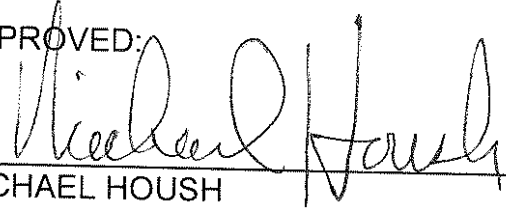
RECOMMENDED:

San Francisco Public Utilities Commission


SUSAN LEAL
General Manager

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APPROVED:



MICHAEL HOUSH
Secretary
San Francisco Public Utilities Commission



City and County of San Francisco

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

Tails Ordinance

File Number: 070005

Date Passed:

Ordinance authorizing settlement of the lawsuit filed by Pacific Gas & Electric ("PG&E") against the City and County of San Francisco for \$6,700; the lawsuit was filed on May 4, 2005 in San Francisco Superior Court, Case No. CGC-05-440982; entitled Pacific Gas and Electric Company v. City and County of San Francisco; other material terms of said settlement are set forth in the Stipulated Judgment and Final Order of Condemnation, contained in Board of Supervisors File No. 070005.

February 13, 2007 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

February 27, 2007 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 070005

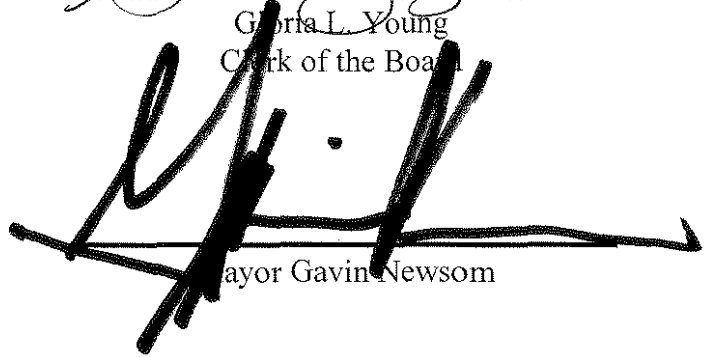
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on February 27,
2007 by the Board of Supervisors of the City
and County of San Francisco.



Gloria L. Young
Clerk of the Board

MAR 09 2007

Date Approved



Mayor Gavin Newsom