

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 \$818,000, plus interest through the**
5 **date of entry of judgment; the lawsuit was filed on September 12, 2005 in San Mateo**
6 **Superior Court, Case No. CGC-05-449522; entitled Pacific Gas and Electric Company v.**
7 **City and County of San Francisco, et al.; other material terms of said settlement are set**
8 **forth in the Stipulation For Entry Of Judgment In Condemnation (and exhibits thereto),**
9 **contained in Board of Supervisors File No. 071062.**

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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 Pacific
13 Gas and Electric Company v. City and County of San Francisco, San Mateo Superior Court,
14 Case No. CGC-05-449522, by the payment by PG&E of \$818,000 plus interest through the
15 date of judgment, and on such other material terms as are set forth in the Stipulation for Entry
16 of Judgment in Condemnation, the Judgment in Condemnation, and the Final Order of
17 Condemnation, contained in Board of Supervisors File No. 071062, and on such other
18 terms as shall be negotiated and approved by the City Attorney's Office.

19 Section 2. The above-named action was filed in San Mateo Superior Court on
20 September 12, 2005, and the following parties were named in the lawsuit: City and County of
21 San Francisco, San Mateo County Transit District; Bay Area Rapid Transit District; and City
22 Of South San Francisco.

23 Section 3: The action was brought by PG&E seeking an underground utility easement
24 over property located in the County of San Mateo, owned by the City County of San Francisco

1 ("CCSF") and under the jurisdiction of the San Francisco Public Utilities Commission
2 ("SFPUC") (the "Property").

3 Section 4: Plaintiff PG&E has agreed to terms for settlement of the action by payment
4 in the amount of \$818,000, plus interest through the date of judgment, to the City and County
5 of San Francisco for acquisition of a nonexclusive underground utility easement for use in
6 connection with its Jefferson-Martin 230kV Transmission Line Project subject to such
7 restrictions on PG&E's future use of said underground easement as will protect SFPUC's
8 existing and/or potential future facilities on the Property, and the ability of CCSF to make
9 reasonable future use of the Property. Those terms are reflected in the Stipulation for Entry of
10 Judgment in Condemnation, the Judgment in Condemnation and Final Order of
11 Condemnation, copies of which are contained in Board of Supervisors File No.
12 071062 and are incorporated herein by this reference.

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

16 Section 6: The San Francisco Public Utilities Commission approved this settlement by
17 Resolution No. 07-0078 on May 8, 2007. A copy of that resolution is contained in Board of
18 Supervisors File No. 071062 and is incorporated herein by this reference.

19 APPROVED AS TO FORM AND
20 RECOMMENDED:

RECOMMENDED:

21 DENNIS J. HERRERA
22 City Attorney

San Francisco Public Utilities Commission

23 
24 KRISTEN A. JENSEN
25 Deputy City Attorney


SUSAN LEAL
General Manager



City and County of San Francisco

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

Tails Ordinance

File Number: 071062

Date Passed:

Ordinance authorizing settlement of the lawsuit filed by Pacific Gas & Electric ("PG&E") against the City and County of San Francisco for \$818,000, plus interest through the date of entry of judgment; the lawsuit was filed on September 12, 2005 in San Mateo Superior Court, Case No. CGC-05-449522; entitled Pacific Gas and Electric Company v. City and County of San Francisco, et al.; other material terms of said settlement are set forth in the Stipulation For Entry Of Judgment In Condemnation (and exhibits thereto), contained in Board of Supervisors File No. 071062.

August 7, 2007 Board of Supervisors — PASSED, ON FIRST READING

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

August 14, 2007 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell,
Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

File No. 071062

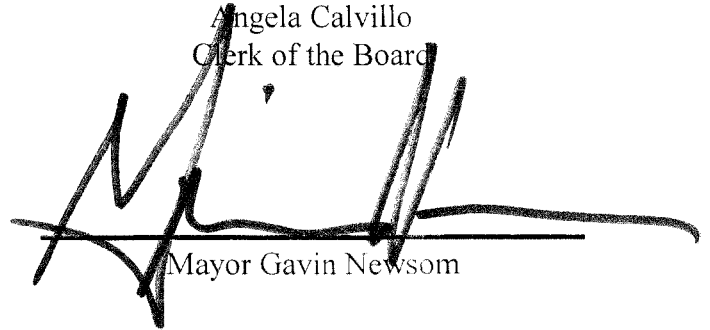
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on August 14, 2007
by the Board of Supervisors of the City and
County of San Francisco.



Angela Calvillo
Clerk of the Board



Date Approved



Mayor Gavin Newsom