

1 [Settlement of Lawsuit - Garcia, et al. - \$191,000]

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3 **Ordinance authorizing settlement of a lawsuit filed by the City and County of San**
4 **Francisco against Carolyn Marie Garcia, Successor Trustee of the Garcia Family Trust**
5 **Dated October 11, 1994; Bank of America, N.A.; and Does 1 through 100, to condemn**
6 **and take by right of eminent domain a permanent sub-surface soil nail easement of 492**
7 **sq ft. and a 51-month temporary construction easement ("TCE") over portions of real**
8 **property located in Sunol, California, APN 096-0080-004; filed May 24, 2010, in Alameda**
9 **County Superior Court, Case No. RG-10516576; entitled City of San Francisco v.**
10 **Stanley A. Garcia and Carolyn Marie Garcia, Trustees of the Garcia Family Trust Dated**
11 **October 11, 1994; Bank of America, N.A.; and Does 1 through 100.**

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

14 Section 1. The City Attorney is hereby authorized to settle the action entitled City of
15 San Francisco v. Stanley A. Garcia and Carolyn Marie Garcia, Trustees of the Garcia Family
16 Trust Dated October 11, 1994; Bank of America, N.A.; and Does 1 through 100, Alameda
17 County Superior Court, Case No. RG-10516576 by the payment by the City and County of
18 San Francisco to Defendant Carolyn Marie Garcia, Successor Trustee of the Garcia Family
19 Trust Dated October 11, 1994, of \$191,000 for a permanent soil nail easement and a 51-
20 month temporary construction easement and in accordance with other material terms as set
21 forth in the Stipulation for Entry of Judgment in Condemnation contained in Board of
22 Supervisors File No. 110049, for the purpose of constructing the San Francisco Public
23 Utilities Commission's Water System Improvement Program-Funded Project CUW35901, New
24 Irvington Tunnel Project. The payment of \$191,000 to Defendant Carolyn Marie Garcia shall


1 be made from the appropriation in Water System Improvement Program-Funded Project
2 CUW35901, New Irvington Tunnel Project.

3 Section 2. The above-named action was filed in Alameda County Superior Court on
4 May 24, 2010, and the following defendants were named in the lawsuit: Stanley A. Garcia
5 and Carolyn Marie Garcia, Trustees of the Garcia Family Trust Dated October 11, 1994; Bank
6 of America, N.A.; and Does 1 through 100.

7
8 APPROVED AS TO FORM AND
9 RECOMMENDED:

10 DENNIS J. HERRERA, City Attorney


11 By:


12 VICTORIA WONG
13 Deputy City Attorney


RECOMMENDED:

14 SAN FRANCISCO REAL ESTATE DIVISION

15 By:


16 AMY BROWN
17 Director

18 FUNDS AVAILABLE:


19 BEN ROSENFELD
20 Controller
21 Index Code: 735914



City and County of San Francisco
Tails
Ordinance

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

File Number: 110049

Date Passed: March 08, 2011

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against Carolyn Marie Garcia, Successor Trustee of the Garcia Family Trust Dated October 11, 1994; Bank of America, N.A.; and Does 1 through 100; to condemn and take by right of eminent domain a permanent sub-surface soil nail easement of 492 sq ft. and a 51-month temporary construction easement (TCE) over portions of real property located in Sunol, California, APN 096-0080-004; filed May 24, 2010, in Alameda County Superior Court, Case No. RG-10516576; entitled City of San Francisco v. Stanley A. Garcia and Carolyn Marie Garcia, Trustees of the Garcia Family Trust Dated October 11, 1994; Bank of America, N.A.; and Does 1 through 100.

February 17, 2011 Rules Committee - RECOMMENDED..

March 01, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

March 08, 2011 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 110049

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
3/8/2011 by the Board of Supervisors of the
City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

Date Approved