

1 [Settlement of Lawsuit – City to Pay \$500 for Sub-Surface Easement in San Mateo County]

2
3 **Ordinance authorizing settlement of a lawsuit filed by the City and County of San**
4 **Francisco against San Mateo County Transit District; Union Pacific Railroad Company;**
5 **State of California, Department of Transportation; and Does 1 through 100, to condemn**
6 **and take by right of eminent domain a permanent sub-surface easement of**
7 **approximately 27,829 square feet in property owned by San Mateo County Transit**
8 **District, located in Menlo Park, California, commonly known as SBE 872-41-20P; filed**
9 **June 3, 2010, in San Mateo County Superior Court, Case No. CIV 495644; entitled City**
10 **and County of San Francisco v. San Mateo County Transit District; Union Pacific**
11 **Railroad Company; State of California, Department of Transportation; and Does 1**
12 **through 100.**

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 and
15 County of San Francisco v. San Mateo County Transit District; Union Pacific Railroad
16 Company; State of California, Department of Transportation; and Does 1 through 100, San
17 Mateo County Superior Court, Case No. CIV 495644 by the payment by the City and County
18 of San Francisco (“City”) to Defendant State of California, Department of Transportation of
19 \$500 for a permanent subsurface easement of approximately 27,829 square feet on property
20 owned by San Mateo County Transit District, located in Menlo Park, California, commonly
21 known as SBE 872-41-20P, and in accordance with other material terms as set forth in the
22 Stipulation for Entry of Judgment in Condemnation contained in Board of Supervisors File No.
23 111025, or such amended terms as do not materially increase the City's obligations or
24 decrease the City's benefits, for the purpose of constructing the San Francisco Public Utilities
25 Commission's Water System Improvement Program-Funded Project CUW36801, Bay Division

1 Pipeline Reliability Upgrade—Tunnel. The payment of \$500 to Defendant State of California,
2 Department of Transportation shall be made from the appropriation in Water System
3 Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability
4 Upgrade—Tunnel.

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6 Section 2. The above-named action was filed in San Mateo County Superior Court on
7 June 3, 2010, and the following defendants were named in the lawsuit: San Mateo County
8 Transit District; Union Pacific Railroad Company; State of California, Department of
9 Transportation; and Does 1 through 100.

10
11 APPROVED AS TO FORM AND
12 RECOMMENDED:


13 DENNIS J. HERRERA, City Attorney

14 By: 
15 VICTORIA WONG
16 Deputy City Attorney

RECOMMENDED:

SAN FRANCISCO REAL ESTATE DIVISION

17 By: 
18 JOHN UPDIKE
19 Director

20 FUNDS AVAILABLE: 
21 BEN ROSENFELD
22 Controller
23 Index Code: 736846
24 Sub-object Code: 05314
25



City and County of San Francisco
Tails
Ordinance

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

File Number: 111025

Date Passed: November 08, 2011

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against San Mateo County Transit District; Union Pacific Railroad Company; State of California, Department of Transportation; and Does 1 through 100; to condemn and take by right of eminent domain a permanent sub-surface easement of approximately 27,829 square feet in property owned by San Mateo County Transit District, located in Menlo Park, California, commonly known as SBE 872-41-20P; filed June 3, 2010, in San Mateo County Superior Court, Case No. CIV 495644; entitled City and County of San Francisco v. San Mateo County Transit District; Union Pacific Railroad Company; State of California, Department of Transportation; and Does 1 through 100.

October 20, 2011 Rules Committee - RECOMMENDED..


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

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


November 08, 2011 Board of Supervisors - FINALLY PASSED

File No. 111025

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 11/8/2011 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board



Mayor Edwin Lee



Date Approved