

FILE NO. 98-1285

RESOLUTION NO. 700-98

1 [SETTLEMENT OF UNLITIGATED CLAIM]

2 AUTHORIZING SETTLEMENT OF UNLITIGATED CLAIM OF THE UNITED STATES
3 DEPARTMENT OF INTERIOR, NATIONAL PARK SERVICE AGAINST THE CITY AND
4 COUNTY OF SAN FRANCISCO FOR A TOTAL SETTLEMENT OF \$508,709.

5 WHEREAS, On December 9, 1996, the National Park Service filed a claim against the
6 City and County of San Francisco for specified damages allegedly resulting from a sewer
7 failure and erosion occurring on December 11, 1995 in the Seacliff area of San Francisco;
8 and

9 WHEREAS, The Public Utilities Department and the National Park Services have
10 worked cooperatively to complete the Richmond Transport Project, to restore Lobos Creek
11 areas that were effected by the construction project and the events of December 11, 1995,
12 and to resolve all outstanding issues between the two agencies with regard to this project;
13 and

14 WHEREAS, The department proposes to pay to the National Park Service and its
15 cooperating association, the Golden Gate National Parks Association, a total of \$508,709, of
16 which \$208,092 would be for payment for City obligations incurred as conditions of the
17 Richmond Transport Project construction permit and environmental impact mitigation, and
18 \$300,617 would be compensation for damages to National Park Service property caused by
19 the sewer failure; and

20 WHEREAS, As consideration for this payment, the National Park Service will fully
21 release the City from any and all liability arising from the Richmond Transport Project and the
22 December 11, 1995 Seacliff incident; now, therefore, be it

23 RESOLVED, That the City Attorney is hereby authorized to settle the unlitigated claim
24 filed by the National Park Service by payment of \$508,709, consisting of \$208,092 for
25

PUBLIC UTILITIES COMMISSION
BOARD OF SUPERVISORS

1 completion of the Richmond Transport Project permit requirements and \$300,617 for
2 damage restoration costs

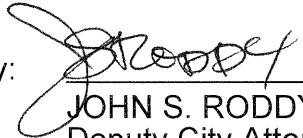
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5 APPROVED AS TO FORM:
6 LOUISE H. RENNE, City Attorney

RECOMMENDED:
PUBLIC UTILITIES COMMISSION

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8

9 By:



JOHN S. RODDY
Deputy City Attorney



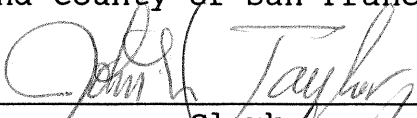
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Adopted - Board of Supervisors, San Francisco August 24, 1998

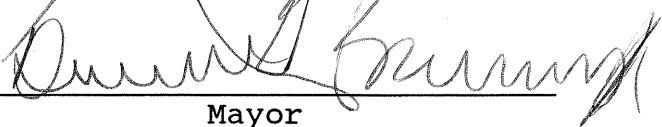
Ayes: Supervisors Ammiano Bierman Brown Leno Medina Newsom
Yaki Yee

Absent: Supervisors Katz Kaufman Teng

I hereby certify that the foregoing resolution
was adopted by the Board of Supervisors
of the City and County of San Francisco



Clerk



Mayor

File No.
98-1285

AUG 28 1998
Date Approved