

1 [Settlement of Lawsuit – City to Pay \$238,000 for Subsurface Easement in Alameda 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; Union Sanitary District for the**
6 **County of Alameda, State of California; and Does 1 through 100, to condemn and take**
7 **by right of eminent domain a permanent subsurface easement of approximately 69,609**
8 **square feet in property owned by San Mateo County Transit District, located in Newark,**
9 **California, commonly known as APNs 537-0551-020 and 537-0551-021-01; filed June 3,**
10 **2010, in Alameda County Superior Court, Case No. RG 10518243; entitled City and**
11 **County of San Francisco v. San Mateo County Transit District; Union Pacific Railroad**
12 **Company; State of California, Department of Transportation; Union Sanitary District for**
13 **the County of Alameda, State of California; and Does 1 through 100.**

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


15 Section 1. The City Attorney is hereby authorized to settle the action entitled City and
16 County of San Francisco v. San Mateo County Transit District; Union Pacific Railroad
17 Company; State of California, Department of Transportation; Union Sanitary District for the
18 County of Alameda, State of California; and Does 1 through 100, Alameda County Superior
19 Court, Case No. RG 10518243 by the payment by the City and County of San Francisco
20 (“City”) to Defendant State of California, Department of Transportation of \$238,000 for a
21 permanent subsurface easement of approximately 69,609 square feet on property owned by
22 San Mateo County Transit District, located in Newark, California, commonly known as APNs
23 537-0551-020 and 537-0551-021-01, and in accordance with other material terms as set forth
24 in the Stipulation for Entry of Judgment in Condemnation contained in Board of Supervisors
25 File No. 111373, or such amended terms as do not materially increase the City's

1 obligations or decrease the City's benefits, for the purpose of constructing the San Francisco
2 Public Utilities Commission's Water System Improvement Program-Funded Project
3 CUW36801, Bay Division Pipeline Reliability Upgrade—Tunnel. The payment of \$238,000 to
4 Defendant State of California, Department of Transportation shall be made from the
5 appropriation in Water System Improvement Program-Funded Project CUW36801, Bay
6 Division Pipeline Reliability Upgrade—Tunnel.

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

13
14 APPROVED AS TO FORM AND
15 RECOMMENDED:

16 DENNIS J. HERRERA, City Attorney


17 By: 
18 THOMAS S. LAKRITZ
Deputy City Attorney

RECOMMENDED:

SAN FRANCISCO REAL ESTATE DIVISION

17 By: 
18 JOHN UPDIKE
Director

19 FUNDS AVAILABLE:

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



City and County of San Francisco

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

**Tails
Ordinance**

File Number: 111373

Date Passed: February 07, 2012

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; Union Sanitary District for the County of Alameda, State of California; and Does 1 through 100, to condemn and take by right of eminent domain a permanent subsurface easement of approximately 69,609 square feet in property owned by San Mateo County Transit District, located in Newark, California, commonly known as APNs 537-0551-020 and 537-0551-021-01; filed June 3, 2010, in Alameda County Superior Court, Case No. RG 10518243; entitled City and County of San Francisco v. San Mateo County Transit District; Union Pacific Railroad Company; State of California, Department of Transportation; Union Sanitary District for the County of Alameda, State of California; and Does 1 through 100.

January 19, 2012 Rules Committee - RECOMMENDED..

January 31, 2012 Board of Supervisors - PASSED, ON FIRST READING

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

February 07, 2012 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Avalos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

Excused: 1 - Campos

File No. 111373

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/7/2012 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor
Date Approved