

1 [Settlement of Lawsuit]
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4 **Ordinance authorizing settlement of the lawsuit filed by Pacific Gas & Electric ("PG&E")**
5 **against the City and County of San Francisco for \$10,000; the lawsuit entitled Pacific**
6 **Gas and Electric Company v. City and County of San Francisco, et al., Case No. RG-05-**
7 **246128, was filed on December 9, 2005 in Alameda County Superior Court; other**
8 **material terms of said settlement are set forth in the Stipulated Judgment and Final**
9 **Order of Condemnation (and exhibits thereto), contained in Board of Supervisors File**
10 **No. 071459.**

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, Alameda County Superior
14 Court, Case No. RG-05-246128, by the payment by PG&E of \$10,000, and on such other
15 material terms as are set forth in the Stipulated Judgment and Final Order of Condemnation,
16 contained in Board of Supervisors File No. 071459, and on such other terms as shall be
17 negotiated and approved by the City Attorney's Office.

18 Section 2. The above-named action was filed in Alameda County Superior Court on
19 December 9, 2005, against the City and County of San Francisco.

20 Section 3: The action was brought by PG&E seeking a utility easement over property
21 located in Sunol, Alameda County, owned by the City and County of San Francisco ("CCSF")
22 and under the jurisdiction of the San Francisco Public Utilities Commission ("SFPUC") (the
23 "Property").
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1 Section 4: Plaintiff PG&E has agreed to terms for settlement of the action by payment
2 in the amount of \$10,000 to the City and County of San Francisco for acquisition of a
3 nonexclusive utility easement for use in connection with its Tesla-Newark 230kV
4 Reinforcement Project subject to such restrictions on PG&E's future use of said easement as
5 will protect SFPUC's existing and/or potential future facilities on the Property and the ability of
6 CCSF to make reasonable future use of the Property. Those terms are reflected in the
7 Stipulated Judgment and Final Order of Condemnation, a copy of which is contained in Board
8 of Supervisors File No. 071459 and is incorporated herein by this reference.

9 Section 5: By the terms of the proposed settlement, PG&E will take a non-exclusive
10 easement and will be prohibited from interfering with CCSF's present or reasonable future use
11 of the Property.

12 Section 6: The San Francisco Public Utilities Commission recommended approval of
13 this settlement by Resolution No. 07-0161 on September 11, 2007. A copy of that resolution
14 is contained in Board of Supervisors File No. 071459 and is incorporated herein by this
15 reference.

17 APPROVED AS TO FORM AND
18 RECOMMENDED:

19 DENNIS J. HERRERA
20 City Attorney

RECOMMENDED:

San Francisco Public Utilities Commission

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KRISTEN A. JENSEN
Deputy City Attorney

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SUSAN LEAL
General Manager