

24-11

FILE NO. 101592

ORDINANCE NO.

[Settlement of Lawsuit - Mackin, et al. - City to Pay \$63,020 for Easement]

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Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against Kenneth Paul Mackin and Janice Mackin; Pacific Gas & Electric Company; Fremont Bank; and Does 1 through 100, to condemn and take by right of eminent domain a temporary construction easement over portions of real property located in Sunol, California, APN 096-0001-020-03; filed May 24, 2010, in Alameda County Superior Court, Case No. RG-10516566; entitled City of San Francisco v. Kenneth Paul Mackin and Janice Mackin; Pacific Gas & Electric Company; Fremont Bank; and Does 1 through 100.

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

Section 1. The City Attorney is hereby authorized to settle the action entitled City of San Francisco v. Kenneth Paul Mackin and Janice Mackin; Pacific Gas & Electric Company; Fremont Bank; and Does 1 through 100, Alameda County Superior Court, Case No. RG-10516566 by the payment by the City and County of San Francisco to Defendants Kenneth Paul Mackin and Janice Mackin of \$63,020 for a 24-month temporary construction easement with an option to extend for 6 months, plus a preliminary 3-week right of entry for drilling test wells, and in accordance with other material terms as set forth in the Settlement Agreement and Release of Claims Stipulation for Entry of Judgment in Condemnation contained in Board of Supervisors File No. 101592, for the purpose of constructing the San Francisco Public Utilities Commission's Water System Improvement Program-Funded Project CUW35901, New Irvington Tunnel Project. The payment of \$63,020 to Defendants Kenneth Paul Mackin and Janice Mackin shall be made from the appropriation

OFFICE OF THE CITY ATTORNEY
BOARD OF SUPERVISORS

1 in Water System Improvement Program-Funded Project CUW35901, New Irvington Tunnel
2 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: Kenneth Paul Mackin
5 and Janice Mackin; Pacific Gas & Electric Company; Fremont Bank; and Does 1 through 100.
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7 APPROVED AS TO FORM AND
8 RECOMMENDED:

RECOMMENDED:

9 DENNIS J. HERRERA, City Attorney

SAN FRANCISCO REAL ESTATE DIVISION

10 By: See File for Signature
11 VICTORIA WONG
Deputy City Attorney

By: See File for Signature
AMY BROWN
Director

12 FUNDS AVAILABLE:

13 See File for Signature
14 BEN ROSENFELD
15 Controller

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City and County of San Francisco

Tails
Ordinance

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

File Number: 101592

Date Passed: February 15, 2011

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against Kenneth Paul Mackin and Janice Mackin; Pacific Gas & Electric Company; Fremont Bank; and Does 1 through 100, to condemn and take by right of eminent domain a temporary construction easement over portions of real property located in Sunol, California, APN 096-0001-020-03; filed May 24, 2010, in Alameda County Superior Court, Case No. RG-10516566; entitled City of San Francisco v. Kenneth Paul Mackin and Janice Mackin; Pacific Gas & Electric Company; Fremont Bank; and Does 1 through 100.

February 03, 2011 Rules Committee - AMENDED

February 03, 2011 Rules Committee - RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

February 08, 2011 Board of Supervisors - PASSED, ON FIRST READING

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

February 15, 2011 Board of Supervisors - FINALLY PASSED

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

File No. 101592

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/15/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

Date Approved