

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

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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 _____, 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.

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11 APPROVED AS TO FORM AND
12 RECOMMENDED:

RECOMMENDED:

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DENNIS J. HERRERA, City Attorney

SAN FRANCISCO REAL ESTATE DIVISION

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15 By: VICTORIA WONG
Deputy City Attorney

15 By: JOHN UPDIKE
Director

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17 FUNDS AVAILABLE:

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BEN ROSENFELD
19 Controller
Index Code: 736846
20 Sub-object Code: 05314

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