

FILE NO. 101592

ORDINANCE NO.

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

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

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

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9 DENNIS J. HERRERA, City Attorney

SAN FRANCISCO REAL ESTATE DIVISION

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

By: See File for Signature  
AMY BROWN  
Director

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FUNDS AVAILABLE:

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See File for Signature  
14 BEN ROSENFELD  
15 Controller

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