

1 [Settlement of Lawsuit – City to Pay \$238,000 for Subsurface Easement in Alameda 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; 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. _____, 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.

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14 APPROVED AS TO FORM AND
15 RECOMMENDED:
16 DENNIS J. HERRERA, City Attorney

RECOMMENDED:
SAN FRANCISCO REAL ESTATE DIVISION

17 By: _____
18 THOMAS S. LAKRITZ
Deputy City Attorney

By: _____
JOHN UPDIKE
Director

19

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