

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

2  
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 contained in Board of Supervisors File No.  
20 \_\_\_\_\_, for the purpose of constructing the San Francisco Public Utilities Commission's  
21 Water System Improvement Program-Funded Project CUW35901, New Irvington Tunnel  
22 Project. The payment of \$63,020 to Defendants Kenneth Paul Mackin and Janice Mackin  
23 shall be made from the appropriation in Water System Improvement Program-Funded Project  
24 CUW35901, New Irvington Tunnel Project.  
25

1 Section 2. The above-named action was filed in Alameda County Superior Court on  
2 May 24, 2010, and the following defendants were named in the lawsuit: Kenneth Paul Mackin  
3 and Janice Mackin; Pacific Gas & Electric Company; Fremont Bank; and Does 1 through 100.  
4

5 APPROVED AS TO FORM AND  
6 RECOMMENDED:  
7 DENNIS J. HERRERA, City Attorney

RECOMMENDED:  
SAN FRANCISCO REAL ESTATE DIVISION

8 By: \_\_\_\_\_  
9 VICTORIA WONG  
Deputy City Attorney

By: \_\_\_\_\_  
AMY BROWN  
Director

10 FUNDS AVAILABLE:

11  
12 \_\_\_\_\_  
13 BEN ROSENFELD  
14 Controller  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25