

1 [Settlement of Lawsuit]  
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4 **Ordinance authorizing settlement of the lawsuit filed by Pacific Gas & Electric ("PG&E")**  
5 **against the City and County of San Francisco for \$6,700; the lawsuit was filed on May 4,**  
6 **2005 in San Francisco Superior Court, Case No. CGC-05-440982; entitled Pacific Gas**  
7 **and Electric Company v. City and County of San Francisco; other material terms of said**  
8 **settlement are set forth in the Stipulated Judgment and Final Order of Condemnation,**  
9 **contained in Board of Supervisors File No. \_\_\_\_\_.**

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

11 Section 1. The City Attorney is hereby authorized to settle the action entitled Pacific  
12 Gas and Electric Company v. City and County of San Francisco, San Francisco Superior  
13 Court No. CGC-05440982, by the payment by PG&E of \$6,700 and on such other material  
14 terms as are set forth in the Stipulated Judgment and Final Order of Condemnation, contained  
15 in Board of Supervisors File No. \_\_\_\_\_, and on such other terms as shall be negotiated  
16 and approved by the City Attorney's Office.

17 Section 2. The above-named action was filed in San Francisco Superior Court on May  
18 4, 2005, and the following parties were named in the lawsuit: City and County of San  
19 Francisco.

20 Section 3: The action was brought by PG&E seeking an underground utility easement  
21 over property located in the City and County of San Francisco ("CCSF"), owned by CCSF  
22 under the jurisdiction of the San Francisco Public Utilities Commission ("SFPUC") and  
23 occupied, in part, by SFPUC underground sewer facilities (the "Property").  
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1 Section 4: Plaintiff PG&E has agreed to terms for settlement of the action by payment  
2 in the amount of \$6,700 to the City and County of San Francisco for acquisition of a  
3 nonexclusive underground utility easement for use in connection with its Potrero-Hunters  
4 Point 115kV Project and such restrictions on PG&E's future use of said underground  
5 easement as will protect SFPUC's existing facilities on the Property, and the ability of CCSF  
6 to make reasonable future use of the Property. Those terms are reflected in the Stipulated  
7 Judgment and Final Order of Condemnation, a copy of which is contained in Board of  
8 Supervisors File No. \_\_\_\_\_ and is incorporated herein by this reference.

9 Section 5: By the terms of the proposed settlement, PG&E will take a non-exclusive,  
10 subsurface easement, along with related access rights, and will be prohibited from interfering  
11 with CCSF's present or reasonable future use of the Property.

12 Section 6: PG&E's Potrero-Hunters Point 115kV Project will provide certain necessary  
13 upgrades to the electrical transmission system serving CCSF in order to improve reliability  
14 and increase electrical capacity, and will facilitate closing of PG&E's Hunters Point Power  
15 Plant pursuant to PG&E's existing agreement with CCSF.

16 Section 7: The San Francisco Public Utilities Commission approved this settlement by  
17 Resolution No. 06-0201 on November 14, 2006. A copy of that resolution is contained in  
18 Board of Supervisors File No. \_\_\_\_\_ and is incorporated herein by this reference.

19 APPROVED AS TO FORM AND  
20 RECOMMENDED:

21 DENNIS J. HERRERA  
22 City Attorney

RECOMMENDED:  
San Francisco Public Utilities Commission

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24 \_\_\_\_\_  
KRISTEN A. JENSEN  
Deputy City Attorney

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SUSAN LEAL  
General Manager

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APPROVED:

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MICHAEL HOUSH  
Secretary  
San Francisco Public Utilities Commission