

File No. 090998

Committee Item No. 22

Board Item No. 11

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules

Date 11-5-09

Board of Supervisors Meeting

Date 11-17-09

Cmte Board

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report * |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

(Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Completed by: Linda Wong

Date November 2, 2009

Completed by: Alisa Somera

Date November 10, 2009

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

1 [Settlement of Lawsuit]

2

3 **Ordinance authorizing settlement of the eminent domain lawsuit filed by Pacific Gas**
4 **and Electric Company against the City and County of San Francisco et al., San Mateo**
5 **Superior Court, Case No.449100; entitled Pacific Gas and Electric v. City and County of**
6 **San Francisco, et al.; other material terms of said settlement are set forth in the**
7 **Stipulation for Entry of Judgment in Condemnation contained in Board of Supervisors'**
8 **File No. 090998.**

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

10

11 Section 1. The City Attorney is hereby authorized to settle the eminent domain action
12 entitled Pacific Gas and Electric v. City and County of San Francisco, et al., San Mateo
13 Superior Court No. 449100, for the sum of \$112,000, plus statutory interest, in exchange for
14 perpetual, nonexclusive surface and subsurface utility easements and related access through
15 property owned in fee by the City and County of San Francisco under the jurisdiction of the
16 San Francisco Public Utilities Commission and in which the Mills Estate Incorporated, the
17 State of California and the California Transportation Department were alleged to hold or have
18 held an easement interest, other material terms as set forth in the Stipulation for Entry of
19 Judgment in Condemnation contained in Board of Supervisors File No. 090998, and on such
20 other terms as shall be negotiated and approved by the City Attorney's Office.

21

22 Section 2. The above-named action was filed in San Mateo Superior Court on August
23 19, 2005, and the following parties were named in the lawsuit: County of San Francisco; Mills
24 Estate Incorporated, the State of California and the California Transportation Department.

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney


KRISTEN A. JENSEN
Deputy City Attorney

RECOMMENDED:

SAN FRANCISCO PUBLIC UTILITIES
COMMISSION


ED HARRINGTON
General Manager

1 Cesar V. Alegria, Jr. (Bar No. 145625)
Pacific Gas and Electric Company
2 P.O. Box 7442
San Francisco, CA 94120
3

4 **DIRECT CORRESPONDENCE TO:**

5 SEDGWICK, DETERT, MORAN & ARNOLD LLP
STEVEN D. ROLAND (Bar No. 108097)
6 GAIL E. KAVANAGH (Bar. No. 154705)
AMBER RYE BRUMFIEL (Bar. No. 215181)
One Market Plaza
7 Steuart Tower, 8th Floor
San Francisco, California 94105
8 Telephone: (415) 781-7900
Facsimile: (415) 781-2635
9

10 Attorneys for Plaintiff
Pacific Gas and Electric Company

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 FOR THE COUNTY OF SAN MATEO

13	PACIFIC GAS AND ELECTRIC)	CASE NO. 449100
14	COMPANY, a California corporation,)	
15	Plaintiff,)	STIPULATION FOR ENTRY OF
16	vs.)	JUDGMENT IN CONDEMNATION
17	CITY AND COUNTY OF SAN)	APNs 093-040-120, 093-040-110, 093-020-
18	FRANCISCO, <i>et al.</i> ,)	010, 093-020-080, 093-070-072, 093-070-
19	Defendants.)	080 (Portions)

20 Plaintiff Pacific Gas and Electric Company ("PG&E") and defendant the City and County
21 of San Francisco ("City and County"), by and through their respective counsel of record, hereby
22 stipulate as follows:

23 1. The Complaint in Eminent Domain was filed on September 12, 2005 for the
24 purpose of acquiring certain property interests as described in the Complaint in Eminent Domain
25 ("the Property Interests") on property located in the County of San Mateo, State of California and
26 designated as portions of Assessor's Parcel Nos. 093-040-120, 093-040-110, 093-020-010, 093-
27 020-080, 093-070-072, 093-070-080, owned in fee by the City and County ("the Property"). The
28

1 Property Interests are described in the Judgment in Condemnation and Final Order of
2 Condemnation submitted herewith and incorporated by reference herein.

3 2. Plaintiff has sought to acquire the Property Interests for the Jefferson-Martin
4 230kV Transmission Line Project, as approved by the California Public Utilities Commission in
5 Decision No. 04-08-046, which is a public use, and the taking in condemnation is necessary for
6 that public use.

7 3. City and County is the sole fee owner of the Property, subject to encumbrances of
8 record including certain easement rights held by California Department Of Transportation
9 ("CalTrans").

10 4. The agreed total aggregate compensation to be paid by PG&E to City and County
11 and BART is the sum of \$112,000.00 (One Hundred and Twelve Thousand Dollars), plus interest
12 accrued on the deposit amount of \$112,000.00 from the date of deposit through the date of the
13 entry of Judgment at the rate provided under Code of Civil Procedure Section 1268.350
14 (collectively, "Total Compensation").

15 5. PG&E has deposited the amount of \$112,00.00 with the State Treasurer in the
16 State Condemnation Deposits Fund pursuant to Code of Civil Procedure section 1245.030. The
17 Court is authorized and requested to issue an order that City and County is entitled to be paid the
18 sum of \$112,000.00 from the amount on deposit upon the City and County's filing of a
19 Satisfaction of Judgment.

20 6. The Court is authorized and requested to issue an order that PG&E shall pay to
21 the City and County, by check payable to the City and County, the amount of interest accrued on
22 the deposited amount as calculated pursuant to Code of Civil Procedure Section 1268.350.

23 7. The Court is authorized and petitioned to enter without further notice a Judgment in
24 Condemnation (a copy of which is attached hereto as **Exhibit A**) and, upon the filing of the
25 Satisfaction of Judgment by City and County, a Final Order of Condemnation (a copy of which is
26 attached as Exhibit 3 to the Judgment) decreeing that the Property Interests described therein are
27 taken and condemned as authorized by law and adjudging that the Total Compensation is full,
28

1 adequate and just compensation for the taking thereof and any and all claims, damages and loss
2 asserted by City and County of every kind and nature accruing by reason of the acquisition of said
3 Property Interests, and by virtue of the construction, use and maintenance on the Property of the
4 improvements as proposed and constructed by PG&E.

5 DATED: _____, 2009 SEDGWICK, DETERT, MORAN & ARNOLD LLP

6

7

By: _____
Gail E. Kavanagh
Attorneys for Plaintiff Pacific Gas and Electric Co.

8

9

10 DATED: _____, 2009 DENNIS J. HERRERA
11 City Attorney

12

13

By: _____
Kristen A. JENSEN
Deputy City Attorney
Attorneys for Defendant City and County of San Francisco

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

