

1 [Three Month Extension of Tolling Agreement.]

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3 **Resolution approving a three month extension of mutual tolling agreement between the**
4 **City of Daly City ("Daly City") and the City and County of San Francisco ("San**
5 **Francisco").**

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7 WHEREAS, Effective December 28, 2004, through December 27, 2005, Daly City and
8 San Francisco entered into a mutual Tolling Agreement for claims arising from flooding in the
9 Westlake Neighborhood of Daly City and adjacent to Lake Merced in San Francisco; and

10 WHEREAS, effective December 28, 2005, Daly City and San Francisco extended the
11 term of the original tolling agreement through December 28, 2006; and,

12 WHEREAS, in a partial settlement agreement approved on June 6, 2006, Daly City and
13 San Francisco extended the term of the tolling agreement through January 28, 2007; and

14 WHEREAS, Daly City and San Francisco each wishes to extend the second Tolling
15 Agreement for a period of three months; and

16 WHEREAS, the City Attorney of the City and County of San Francisco has
17 recommended that San Francisco extend the Tolling Agreement for a period of three months;
18 and

19 WHEREAS, a copy of the proposed three-month Extension Of Mutual Tolling
20 Agreement is on file with the Clerk of the Board of Supervisors in File No. 070141, which is
21 hereby declared to be a part of this resolution as if set forth fully herein; now, therefore, be it

22 RESOLVED, That the entry by San Francisco into the proposed three-month Extension
23 of Mutual Tolling Agreement with Daly City is hereby approved.

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APPROVED AS TO FORM:

DENNIS J. HERRERA
City Attorney

JOANNE HOEPER
Chief Trial Deputy

RECOMMENDED:

San Francisco Public Utilities Commission

SUSAN LEAL
General Manager

APPROVED:

Secretary
San Francisco Public Utilities Commission