

1 [Settlement of Potential Litigation]

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3 **Resolution authorizing settlement of potential litigation with George Boutros,**
4 **individually and in his representative capacity as Trustee of The Boutros Family Trust,**
5 **related to encroachments on San Francisco Public Utilities Commission Right of Way**
6 **easements that cross Boutros residential property located at 90 Sea Cliff Avenue,**
7 **San Francisco, CA.**

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9 Be it resolved by the People of the City and County of San Francisco ("City"):

10 The City Attorney is hereby authorized to settle potential litigation with George
11 Boutros, individually and in his representative capacity as Trustee of The Boutros Family Trust
12 (collectively, "Boutros"), related to encroachments on San Francisco Public Utilities
13 Commission ("SFPUC") Right of Way easements that cross the Boutros residential property
14 located at 90 Sea Cliff Avenue, San Francisco, CA.

15 The General Manager of the SFPUC (the "General Manager") is hereby
16 authorized to execute a Settlement Agreement and Declaration and Agreement Regarding
17 Encroachments in substantially the form of such instruments filed with the Board with George
18 Boutros, individually and in his representative capacity as Trustee of The Boutros Family Trust
19 (collectively, "Boutros"), related to encroachments on San Francisco Public Utilities
20 Commission ("SFPUC") Right of Way easements that cross the Boutros residential property
21 located at 90 Sea Cliff Avenue, San Francisco, CA the State of California providing for the
22 following principal terms:

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- 1 • Boutros will be allowed to maintain specified encroachments on and across
- 2 SFPUC easements so long as they do not interfere with City's access or create
- 3 hazards,
- 4 • Boutros will perform certain pipeline repairs and replacement work on City's
- 5 sewer and storm drain pipes,
- 6 • Boutros will modify his encroachments to ensure City's access rights,
- 7 • Boutros will pay City \$25,000 to defray City's expenses,
- 8 • Boutros will record covenant against the subject property guaranteeing certain
- 9 City access, encroachment-removal, and indemnity rights, and
- 10 • Such other terms and conditions that are agreed to by the parties, approved by
- 11 the General Manager and the City Attorney, and do not materially increase the
- 12 City's obligations or liabilities.

13 The General Manager is hereby authorized to enter into any amendments or
14 modifications to the Settlement Agreement and Declaration and Agreement Regarding
15 Encroachments and to consent to any matters with respect to the Settlement Agreement and
16 Declaration and Agreement Regarding Encroachments that the General Manager determines,
17 in consultation with the City Attorney, are in the best interest of the City and the SFPUC, do
18 not materially increase City's obligations or liabilities, are necessary or advisable to effectuate
19 the purposes of the Settlement Agreement and Declaration and Agreement Regarding
20 Encroachments, and are in compliance with all applicable laws, including City's Charter.

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APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney



Richard Handel
Deputy City Attorney

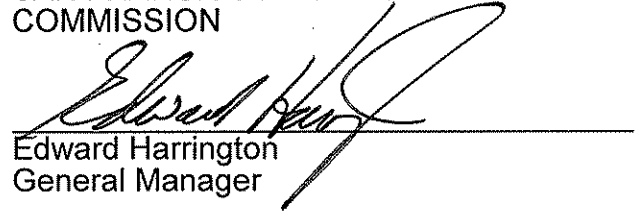
FUNDS AVAILABLE:

N/A

Ben Rosenfield
Controller

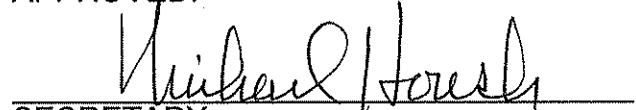
RECOMMENDED:

SAN FRANCISCO PUBLIC UTILITIES
COMMISSION



Edward Harrington
General Manager

APPROVED:



SECRETARY
SAN FRANCISCO PUBLIC UTILITIES
COMMISSION



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 090831

Date Passed:

Resolution authorizing settlement of potential litigation with George Boutros, individually and in his representative capacity as Trustee of The Boutros Family Trust, related to encroachments on San Francisco Public Utilities Commission Right of Way easements that cross Boutros residential property located at 90 Sea Cliff Avenue, San Francisco, CA.

July 14, 2009 Board of Supervisors — ADOPTED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 090831

I hereby certify that the foregoing Resolution was ADOPTED on July 14, 2009 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

7/21/2009

Date Approved

Mayor Gavin Newsom