

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 \$818,000, plus interest through the**
6 **date of entry of judgment; the lawsuit was filed on September 12, 2005 in San Mateo**
7 **Superior Court, Case No. CGC-05-449522; entitled Pacific Gas and Electric Company v.**
8 **City and County of San Francisco, et al.; other material terms of said settlement are set**
9 **forth in the Stipulation For Entry Of Judgment In Condemnation (and exhibits thereto),**
10 **contained in Board of Supervisors File No. 071062.**

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

13 Section 1. The City Attorney is hereby authorized to settle the action entitled Pacific
14 Gas and Electric Company v. City and County of San Francisco, San Mateo Superior Court,
15 Case No. CGC-05-449522, by the payment by PG&E of \$818,000 plus interest through the
16 date of judgment, and on such other material terms as are set forth in the Stipulation for Entry
17 of Judgment in Condemnation, the Judgment in Condemnation, and the Final Order of
18 Condemnation, contained in Board of Supervisors File No. 071062, and on such other terms
19 as shall be negotiated and approved by the City Attorney's Office.

20 Section 2. The above-named action was filed in San Mateo Superior Court on
21 September 12, 2005, and the following parties were named in the lawsuit: City and County of
22 San Francisco, San Mateo County Transit District; Bay Area Rapid Transit District; and City
23 Of South San Francisco.

24 Section 3: The action was brought by PG&E seeking an underground utility easement
25 over property located in the County of San Mateo, owned by the City County of San Francisco

1 ("CCSF") and under the jurisdiction of the San Francisco Public Utilities Commission
2 ("SFPUC") (the "Property").

3 Section 4: Plaintiff PG&E has agreed to terms for settlement of the action by payment
4 in the amount of \$818,000, plus interest through the date of judgment, to the City and County
5 of San Francisco for acquisition of a nonexclusive underground utility easement for use in
6 connection with its Jefferson-Martin 230kV Transmission Line Project subject to such
7 restrictions on PG&E's future use of said underground easement as will protect SFPUC's
8 existing and/or potential future facilities on the Property, and the ability of CCSF to make
9 reasonable future use of the Property. Those terms are reflected in the Stipulation for Entry of
10 Judgment in Condemnation, the Judgment in Condemnation and Final Order of
11 Condemnation, copies of which are contained in Board of Supervisors File No. 071062 and
12 are incorporated herein by this reference.

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

16 Section 6: The San Francisco Public Utilities Commission approved this settlement by
17 Resolution No. 07-0078 on May 8, 2007. A copy of that resolution is contained in Board of
18 Supervisors File No. 071062 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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KRISTEN A. JENSEN
Deputy City Attorney

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SUSAN LEAL
General Manager

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APPROVED:

MICHAEL HOUSH
Secretary
San Francisco Public Utilities Commission