

[Settlement of Lawsuit - Garcia, et al. - City to Pay \$191,000 for Easements]

**Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against Carolyn Marie Garcia, Successor Trustee of the Garcia Family Trust Dated October 11, 1994; Bank of America, N.A.; and Does 1 through 100, to condemn and take by right of eminent domain a permanent sub-surface soil nail easement of 492 sq ft. and a 51-month temporary construction easement ("TCE") over portions of real property located in Sunol, California, APN 096-0080-004; filed May 24, 2010, in Alameda County Superior Court, Case No. RG-10516576; entitled City of San Francisco v. Stanley A. Garcia and Carolyn Marie Garcia, Trustees of the Garcia Family Trust Dated October 11, 1994; Bank of America, N.A.; and Does 1 through 100.**

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

Section 1. The City Attorney is hereby authorized to settle the action entitled City of San Francisco v. Stanley A. Garcia and Carolyn Marie Garcia, Trustees of the Garcia Family Trust Dated October 11, 1994; Bank of America, N.A.; and Does 1 through 100, Alameda County Superior Court, Case No. RG-10516576 by the payment by the City and County of San Francisco to Defendant Carolyn Marie Garcia, Successor Trustee of the Garcia Family Trust Dated October 11, 1994, of \$191,000 for a permanent soil nail easement and a 51-month temporary construction easement and in accordance with other material terms as set forth in the Stipulation for Entry of Judgment in Condemnation contained in Board of Supervisors File No. \_\_\_\_\_, for the purpose of constructing the San Francisco Public Utilities Commission's Water System Improvement Program-Funded Project CUW35901, New Irvington Tunnel Project. The payment of \$191,000 to Defendant Carolyn Marie Garcia shall

1 be made from the appropriation in Water System Improvement Program-Funded Project  
2 CUW35901, New Irvington Tunnel Project.

3 Section 2. The above-named action was filed in Alameda County Superior Court on  
4 May 24, 2010, and the following defendants were named in the lawsuit: Stanley A. Garcia  
5 and Carolyn Marie Garcia, Trustees of the Garcia Family Trust Dated October 11, 1994; Bank  
6 of America, N.A.; and Does 1 through 100.

7  
8 APPROVED AS TO FORM AND  
9 RECOMMENDED:

10 DENNIS J. HERRERA, City Attorney

RECOMMENDED:

SAN FRANCISCO REAL ESTATE DIVISION

11 By:

12 VICTORIA WONG  
Deputy City Attorney

By:

13 AMY BROWN  
Director

14 FUNDS AVAILABLE:

15 BEN ROSENFELD  
16 Controller  
Index Code: 735914