

1 [Settlement of Lawsuit]

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3 **Ordinance approving settlement of litigation brought by the San Francisco Bay Area**
4 **Transit District against City and County of San Francisco in the eminent domain action**
5 **entitled San Francisco Bay Area Transit District v. City and County of San Francisco, et**
6 **al. (Alameda County Superior Court No. HG03-099024, filed July 7, 2003), for a total**
7 **value of \$2,750,000.**

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

9 Section 1. The City Attorney is hereby authorized to settle with San Francisco Bay
10 Area Transit District ("BART") for the taking of the City's property in the eminent domain action
11 entitled San Francisco Bay Area Transit District v. City and County of San Francisco, et al.,
12 Alameda County Superior Court No. HG03-099024, by accepting payment to the City of
13 \$2,750,000.00, plus interest. This settlement has been approved by the Public Utilities
14 Commission, which adopted Resolution 05-0074 on April 26, 2005.

15 Section 2. The plaintiff filed its eminent domain action entitled San Francisco Bay Area
16 Transit District v. City and County of San Francisco, et al. in Alameda County Superior Court
17 on July 7, 2003.

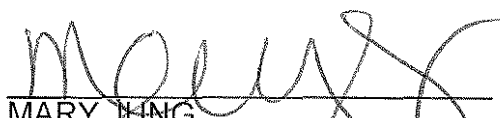
18
19 APPROVED AS TO FORM:

APPROVED: Public Utilities Commission

20 DENNIS J. HERRERA, City Attorney

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22
23 By:


KRISTEN A. JENSEN
Deputy City Attorney


MARY JUNG
Commission Secretary



City and County of San Francisco

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

Tails Ordinance

File Number: 051350

Date Passed:

Ordinance approving settlement of litigation brought by the San Francisco Bay Area Transit District against City and County of San Francisco in the eminent domain action entitled San Francisco Bay Area Transit District v. City and County of San Francisco, et al. (Alameda County Superior Court No. HG03-099024, filed July 7, 2003), for a total value of \$2,750,000.

August 16, 2005 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

September 6, 2005 Board of Supervisors — FINALLY PASSED

Ayes: 8 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 3 - Alioto-Pier, Daly, McGoldrick

File No. 051350

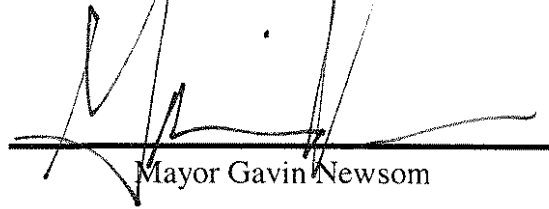
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on September 6,
2005 by the Board of Supervisors of the City
and County of San Francisco.

09/09/05

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Gavin Newsom