File No. 120336

Committee Item No. _____
Board Item No. 32

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____ Date _____

Board of Supervisors Meeting Date May 1, 2012

Cmte	Board	
☐	☐	Motion
☐	☐	Resolution
☐	☐	Ordinance
☐	☐	Legislative Digest
☐	☐	Budget and Legislative Analyst Report
☐	☐	Legislative Analyst Report
☐	☐	Youth Commission Report
☐	☒	Introduction Form (for hearings)
☐	☐	Department/Agency Cover Letter and/or Report
☐	☐	MOU
☐	☐	Grant Information Form
☐	☐	Grant Budget
☐	☐	Subcontract Budget
☐	☐	Contract/Agreement
☐	☐	Form 126 – Ethics Commission
☐	☐	Award Letter
☐	☐	Application
☐	☐	Public Correspondence

OTHER (Use back side if additional space is needed)

☐	☒	Hearing Notice
☐	☐	
☐	☐	
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☐	☐	
☐	☐	
☐	☐	
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Completed by: _____ Date _____
Completed by: Alisa Miller Date April 26, 2012

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

BOARD of SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT, in accordance with Section 1245.235 of the Code of Civil Procedure, the Board of Supervisors of the City and County of San Francisco, as a Committee of the Whole, will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: **Tuesday, May 1, 2012**

Time: **3:00 p.m.**

Location: **Legislative Chamber, Room 250 located at City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA**

Subject: **Public Hearing to consider Property Acquisition - Eminent Domain, interest in real property: a temporary construction license at the real property commonly known as 77 O'Farrell Street, San Francisco, California, Assessor's Parcel Block No. 0328, Lot Nos. 003 and 004, for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements.**

Said public hearing will be held to make findings of whether public interest and necessity require the City and County of San Francisco to acquire, by eminent domain, the following interests in real property: a temporary construction license at the real property commonly known as 77 O'Farrell Street, San Francisco, California, Assessor's Parcel Block No. 0328, Lot Nos. 003 and 004, for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. A description of the real property is set forth in **Exhibits A** and **B**, available in the official file for review in the Office of the Clerk of the Board.

The purpose of said hearing is to hear all persons interested in the matter. You have a right to appear and be heard on the matters referred to in California Code of Civil Procedure Section 1240.030, including, but not limited to, whether: (l) the public interest and necessity require the project and acquisition of the temporary construction license identified above; (2) the project is planned and located in the manner that will be most

compatible with the greatest public good and the least private injury; (3) the City's acquisition of the temporary construction license is necessary for the proposed project; and (4) the City has made the required offers to the owners of the property.

Persons who have been notified of such public hearing and who, within fifteen (15) days after the mailing of such notice, have filed a written request to do so, may appear and be heard at the public hearing.

The procedure of the Board requires that the finding of public interest and necessity be made by a two-thirds vote of all its members.

At the close of the public hearing, a vote will be made on a resolution entitled:

"Resolution authorizing the acquisition of a temporary construction license at the real property commonly known as 77 O'Farrell Street, San Francisco, California, Assessor's Parcel Block No. 0328, Lot Nos. 003 and 004, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1."

In accordance with Section 67.7-1 of the San Francisco Administrative Code, persons who are unable to attend the hearing on these matters may submit written comments prior to the time the hearing begins. These comments will be made part of the official public record in these matters and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information relating to this matter will be available for public review on Thursday, April 26, 2012.

Angela Calvillo, Clerk of the Board

DATED: April 11, 2012
PUBLISHED/POSTED/MAILED: April 13, 2012

LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN FRANCISCO, COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL A:

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF MARKET STREET, DISTANT THEREON 328 FEET AND 9-1/4 INCHES SOUTHWESTERLY FROM THE POINT FORMED BY THE INTERSECTION OF THE NORTHWESTERLY LINE OF MARKET STREET WITH THE WESTERLY LINE OF GRANT AVENUE; RUNNING THENCE NORTHERLY PARALLEL WITH STOCKTON STREET 117 FEET AND 9-3/8 INCHES; THENCE AT A RIGHT ANGLE WESTERLY AND PARALLEL WITH O'FARRELL STREET 29 FEET AND 2 INCHES; THENCE AT A RIGHT ANGLE NORTHERLY AND PARALLEL WITH STOCKTON STREET 4 FEET AND 8-3/8 INCHES; THENCE AT A RIGHT ANGLE WESTERLY AND PARALLEL WITH O'FARRELL STREET 12 FEET AND 6 INCHES; THENCE AT A RIGHT ANGLE SOUTHERLY AND PARALLEL WITH STOCKTON STREET 30 FEET AND 3 INCHES TO THE SOUTHEASTERLY CORNER OF THE LAND OWNED BY O.D. BALDWING AND CONVEYED TO HIM BY DEED FROM GEORGE R. MONROE, WHICH SAID DEED BEARS DATE February 24, 1891, AND WAS RECORDED IN THE OFFICE OF THE RECORDER OF THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, ON THE SAME DAY; THENCE AT A RIGHT ANGLE WESTERLY PARALLEL WITH O'FARRELL STREET ALONG THE SOUTHERLY LINE OF SAID LAND OWNED BY O.D. BALDWIN 75 FEET TO THE EASTERLY LINE OF STOCKTON STREET; THENCE AT A RIGHT ANGLE SOUTHERLY AND ALONG SAID EASTERLY LINE OF STOCKTON STREET 162 FEET AND 10 INCHES, MORE OR LESS, TO THE NORTHERLY LINE OF ELLIS STREET; THENCE EASTERLY ALONG SAID NORTHERLY LINE OF ELLIS STREET 18 FEET AND 7-3/4 INCHES TO A POINT WHERE THE NORTHWESTERLY LINE OF MARKET STREET INTERSECTS THE SAID NORTHERLY LINE OF ELLIS STREET; THENCE NORTHEASTERLY ALONG SAID NORTHWESTERLY LINE OF MARKET STREET 120 FEET AND 9-3/4 INCHES TO THE POINT OF BEGINNING.

Assessors Parcel No. : Lot 002, Block 0328

PARCEL B:

BEGINNING AT A POINT ON THE EASTERLY LINE OF STOCKTON STREET, DISTANT THEREON 82 FEET AND 6 INCHES SOUTHERLY FROM THE SOUTHERLY LINE OF O'FARRELL STREET; RUNNING THENCE SOUTHERLY ALONG SAID LINE OF STOCKTON STREET 30.25 FEET TO A POINT NORTHERLY 162.834 FEET FROM THE INTERSECTION OF SAID EASTERLY LINE OF STOCKTON STREET WITH THE NORTHERLY LINE OF ELLIS STREET; THENCE AT A RIGHT ANGLE, EASTERLY 75 FEET; THENCE AT A RIGHT ANGLE NORTHERLY, 30.25 FEET; THENCE AT A RIGHT ANGLE WESTERLY 75 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF 50 VARA BLOCK NO. 122.

Assessors Parcel No. : Lot 003, Block 0328

PARCEL C:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHERLY LINE OF O'FARRELL STREET AND THE EASTERLY LINE OF STOCKTON STREET; THENCE EASTERLY ALONG SAID SOUTHERLY LINE OF O'FARRELL STREET, 87 FEET AND 6 INCHES; THENCE AT A RIGHT ANGLE, SOUTHERLY 82 FEET AND 6 INCHES; THENCE AT A RIGHT ANGLE, WESTERLY 87 FEET AND 6 INCHES TO THE EASTERLY LINE OF STOCKTON STREET; THENCE AT A RIGHT ANGLE NORTHERLY ALONG SAID EASTERLY LINE OF STOCKTON STREET, 82 FEET AND 6 INCHES TO THE POINT OF BEGINNING.

BEING A PORTION OF 50 VARA BLOCK NO. 122.

Assessors Parcel No. : Lot 004, Block 0328

EXHIBIT "A"

PROPERTY DESCRIPTION

For a portion of 77 O'Farrell Street, Assessor's Block 0328, Lots 003 and 004

The proposed acquisition comprises a license affecting a narrow underground rectangular strip along the western boundary of the subject property. The headwall piles cross the property line approximately 99.7 feet below the surface of the ground. The bottom of the pile is approximately 155 feet below the surface of the ground. The headwall pile encroaches approximately 4 feet 8.375 inches along the site's Stockton Street boundary.

Containing 529 square feet, more or less.

APN: 0328-003 and -004

central T subway

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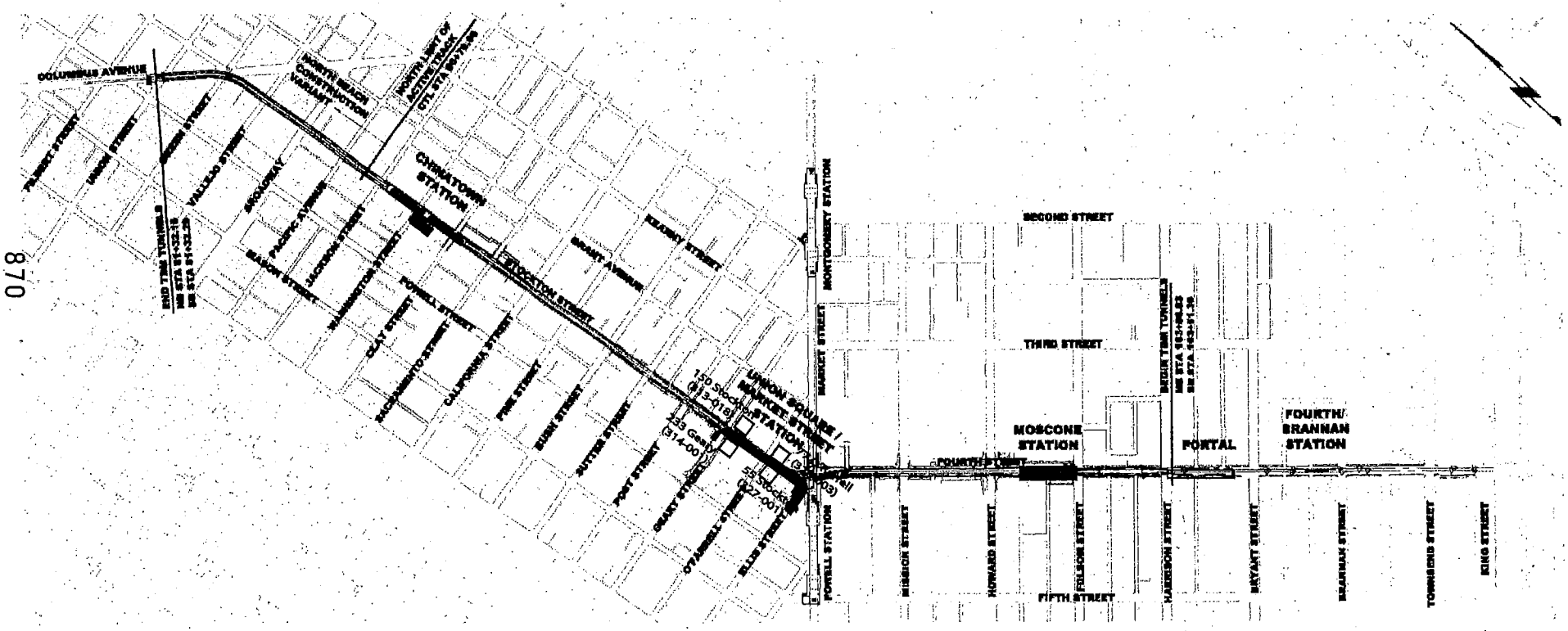

SFMTA | Municipal Transportation Agency

BOARD of SUPERVISORS

City Hall
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San Francisco 94102-4689
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RECEIVED
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2012 APR 13 AM 10:43

PROOF OF MAILING

Legislative File No. 120336 & 120337

Description of Items:

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of a temporary construction license at the real property commonly known as 77 O'Farrell Street, San Francisco, California, Assessor's Parcel Block No. 0328, Lot Nos. 003 and 004, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

I, Alisa Miller, an employee of the Office of the Clerk of the Board Supervisors, mailed the above described document(s) by depositing the sealed items with the United States Postal Service (USPS) with the postage fully prepaid as follows:

Date: April 13, 2012

Time: 11:00 a.m.

USPS Location: Office Clerk of the Board (Repo pick up)

Mailbox/Mailslot Pick-Up Times (if applicable): 3:00 p.m.

Signature: Alisa Miller

Instructions: Upon completion, original must be filed in the above referenced file.

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Alisa Miller
S.F. BD OF SUPERVISORS (OFFICIAL NOTICES)
1 DR CARLTON B GOODLETT PL #244
SAN FRANCISCO, CA 94102

CNS 2297535

COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE

Ad Description AM - 5.1.12 77 O'Farrell Hearing

To the right is a copy of the notice you sent to us for publication in the SAN FRANCISCO CHRONICLE. Please read this notice carefully and call us with any corrections. The Proof of Publication will be filed with the Clerk of the Board. Publication date(s) for this notice is (are):

04/15/2012

NOTICE OF PUBLIC HEARING BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO TUESDAY, MAY 1, 2012 – 3:00 PM LEGISLATIVE CHAMBER, ROOM 250, CITY HALL, 1 DR. CARLTON B. GOODLETT PL., SAN FRANCISCO, CA Notice is herebyg iven that, in accordance with Section 1245.235 of the Code of Civil Procedure, the Board of Supervisors of the City and Countyo f San Francisco, as a Committee of the Whole, will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: **Public Hearing to consider Property Acquisition - Eminent Domain, interest in real property: a temporary construction license at the real property commonly known as 77 O'Farrell Street, San Francisco, California, Assessor's Parcel Block No. 0328, Lot Nos. 003 and 004, for the publicp urpose of constructing the Central Subway/Third Street LightR ail Extension and other improvements.** Said public hearing will be held to make findings of whether public interest and necessity require the City and County of San Francisco to acquire, by eminent domain, the following interests in real property: a temporary construction license at the real property commonly known as 77 O'Farrell Street, San Francisco, California, Assessor's Parcel Block No. 0328, Lot Nos. 003 and 004, for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. A description of the real property is setf orth in Exhibits A and B,a vailable in the official file for eview in the Office of the Clerk of the Board. The purpose of said hearing is to hear all persons interested in the matter. You have a right to appear and be heard on the matters referred to in California Code of Civil Procedure Section 1240.030, including, but not limited to, whether: (l)t he public interest and necessity require the project and acquisition of the temporary construction license identified above; (2) the project is planned and located in the manner that will be most compatible witht he greatest publicg ood andt he least private injury; (3) the City's acquisition of the temporary construction license is necessary for the proposed project; and (4) the City has made the required offers to the owners of the property. Persons who have been notified of such public hearing and who, within fifteen (15) days after the mailing of such notice, have filed a written request to do so, may appear and be heard at the public hearing. The procedure of the Board requires that the finding of public interest and necessity be made by a two-thirds vote of all its members. At the close of the public hearing, a vote will be made on a resolution entitled: **"Resolution authorizing the acquisition of a temporary construction license at the real property commonly known as 77 O'Farrell Street, San Francisco, California, Assessor's Parcel Block No. 0328, Lot Nos. 003 and 004,b y eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension ando ther improvements; adopting environmental findings under the California Environmental Quality Act(CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1."** In accordance with Section 67.7-1 of the San Francisco Administrative Code, persons who are unable to attend the hearing on these matters may submit writtenc omments prior to the time the hearing begins. These comments will be made part of the official public record in these matters and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information relating to this matterw ill be available for public review on Thursday, April 26, 2012. Angela Calvillo,C lerk of the Board

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A0000026188 57

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

☐ 1. For reference to Committee: _____
An ordinance, resolution, motion, or charter amendment.

☐ 2. Request for next printed agenda without reference to Committee.

☐ 3. Request for hearing on a subject matter at Committee: _____

☐ 4. Request for letter beginning "Supervisor _____ inquires"

☐ 5. City Attorney request.

☐ 6. Call File No. _____ from Committee.

☐ 7. Budget Analyst request (attach written motion).

☐ 8. Substitute Legislation File No. _____

☐ 9. Request for Closed Session (attach written motion).

☒ 10. Board to Sit as A Committee of the Whole.

☐ 11. Question(s) submitted for Mayoral Appearance before the BOS on _____

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission

☐ Planning Commission ☐ Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.

Sponsor(s):

Clerk of the Board

Subject:

Public Hearing - Authorizing the Acquisition of a Temporary Construction License By Eminent Domain for Central Subway/Third Street Light Rail Extension - 77 O'Farrell Street

The text is listed below or attached:

Hearing of persons interested in or objecting to proposed Resolution authorizing the acquisition of a temporary construction license at the real property commonly known as 77 O'Farrell Street, San Francisco, California, Assessor's Parcel Block No. 0328, Lot Nos. 003 and 004, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1.

120336

Signature of Sponsoring Supervisor: _____

For Clerk's Use Only: