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[Street Vacation in Connection with Mid-Embarcadero Roadway]

Resolution declaring the intention of the Board of Supervisors to vacate portions of The Embarcadero and Folsom Street between Howard and Harrison Streets in connection with the Mid-Embarcadero Roadway Project; setting the hearing date for May 14, 2001 at 3:00p.m. for all persons interested in the proposed vacation of the street areas; and adopting findings that the vacation is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1 and the applicable Redevelopment Plan Area.

WHEREAS, the City's "Waterfront Transportation Projects" are essentially complete and resulted in major improvements to the north south and mid- sections of The Embarcadero Roadway between Jefferson Street and Third Street; and,

WHEREAS, as part of the improvements to the Mid-Embarcadero Roadway component of the Waterfront Transportation Projects, the Board of Supervisors, by Resolution No. 100-96 approved the DPT variant for the Mid-Embarcadero Roadway and Terminal Separator Replacement project to create the Rincon Park Site between Howard Street and Harrison Street; and,

WHEREAS, the Port has requested the Department of Public Works to initiate the process for the vacation of certain street areas, the general location and extent of which are portions of the former Embarcadero Roadway and Folsom Street as further described below (the "Street Area"), and the San Francisco Port Commission, by Resolution No. 00-90, has authorized the Port's Executive Director or his designee to take all further actions necessary to complete such street vacation; and,

WHEREAS, The Street Area is shown in the Department of Public Works' SUR Map No. 9000, dated February 9, 2001, and is more particularly described in the legal

description attached to such map, a copy of which map and accompanying legal description is on file with the Clerk of the Board of Supervisors in File No. ____010361______; and,

WHEREAS, the Board recognizes DPW Order No. 172,789 recommending the vacation of the Street Area; and,

WHEREAS, the Street Area underlies a site that is designated for a park and restaurant site pursuant to the Rincon Point/South Beach Redevelopment Plan, adopted by the Board of Supervisors by Ordinance No. 14-81 and last amended by the Board of Supervisors by Ordinance 334-97 and the Port's Waterfront Plan, adopted by the Port Commission by Resolution No. 97-50; and,

WHEREAS, the vacation of the Street Area is necessary to fulfill the objectives of the Waterfront Transportation Project and the realignment of the Embarcadero Roadway, and the objectives of the South Beach/Rincon Redevelopment Plan and the Port's Waterfront Plan; and.

WHEREAS, subject to the reservations and conditions specified in this resolution below, the Street Area is unnecessary for present or prospective public street use; and,

transportation or distribution of electric energy, and reasonable access to the foregoing facilities for the purposes set forth above; and,

WHEREAS, The public convenience and necessity further require that the Port grant to the San Francisco PUC and PG&E the easements described in the preceding paragraph; and,

WHEREAS, The public convenience and necessity further require that any reserved or excepted easements for existing utilities described in the preceding paragraphs shall be terminated in whole or in part, as appropriate, upon the earliest of (i) the termination of the easement under an instrument (if any) signed by the San Francisco PUC or PG&E, or (ii) the determination by the Director of Public Works or the Port's Chief Harbor Engineer (if within Port jurisdiction) that (A) reasonable alternative utility service has been provided to the areas served by such utilities for the period of service needed or (B) the areas served by the utilities no longer require such service (as may be evidenced by written notice of the owners being served that such service is no longer required); and that any new public utilities shall be placed in a new dedicated street pursuant to then applicable franchise rights or other applicable requirements of controlling local, state or federal statutes, or otherwise in locations and on terms and conditions reasonably satisfactory to the City's Director of Public Works or the Port's Executive Director (if within Port jurisdiction), including without limitation, the location, term, width, scope, access rights and maintenance rights of the new utilities; and,

WHEREAS, Except as specifically provided above and subject to the conditions set forth below, the public convenience and necessity require no easements or other rights be reserved for any public utility facilities that are in place in the Street Area and that any rights based upon any such public utility facilities be extinguished upon the effectiveness of the vacation; and,

WHEREAS, Any removal, relocation or abandonment of any in-place utilities required or permitted to be performed in connection with the development of Rincon Park and

restaurant site area shall be done at no cost or expense to the Port, provided that nothing herein shall be deemed to preclude any future owner or lessee of the Street Area from charging a private party for or otherwise causing a private party to bear the costs of such relocation where such charge or cost is otherwise permitted by law; and,

WHEREAS, The vacation of the Street Area shall be subject to satisfaction of the certain conditions precedent on or before the effective date of the vacation, as set forth below; and,

WHEREAS, On January 22, 2001, the Director of City Planning signed a letter, a copy of which is on file with the Clerk of the Board of Supervisors in File No. _____010361______, wherein the Director found that the proposed vacation of the Street Area is consistent with the City's General Plan, including the street vacation criteria set forth in the Urban Design Element, and with the Eight Priority Policies of City Planning Code Section 101.1; and,

WHEREAS, on February 6, 2001, the Redevelopment Agency signed a letter, a copy of which is on file with the Clerk of the Board of Supervisors in File No. _______, wherein the Redevelopment Agency found that the proposed vacation of the Street Area is consistent with the South Beach/Rincon Park Redevelopment Area Plan; and,

WHEREAS, Before approving the vacation of the Street Area, the Board of Supervisors will consider the information contained in the Final Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the Mid-Embarcadero Roadway project certified by the Planning Commission on September 19, 1996, and make any findings required by the California Environmental Quality Act and applicable regulations; and,

WHEREAS, Section 787(a) of the San Francisco Public Works Code provides that the City and County will follow the procedure for vacating streets set forth in State law in the Streets and Highways Code and such rules and conditions as are adopted by the Board of Supervisors; now, therefore, be it

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RESOLVED, That under Sections 8320 et seq. of the California Streets and Highway Code, the Board of Supervisors hereby declares that it intends to order the vacation of the Street Area, as described in the map referred to above on file with the Clerk of the Board of Supervisors in File No. 010361; and, be it

FURTHER RESOLVED, That the vacation proceeding of the Street Area is conducted under the general vacation procedures of the Public Streets, Highways and Service Easements Vacation Law (Streets and Highway Code Sections 8320 et seq.); and, be it

FURTHER RESOLVED, That the vacation of the Street Area shall be conditioned upon and shall not become effective until (1) the Port's Executive Director has been authorized and directed to grant and has granted, and the Director of Property has been authorized and directed to accept and has accepted, an easement for the benefit of the San Francisco PUC as described above, (2) the Port's Executive Director has been authorized and directed to grant, and has granted to PG&E, an easement for the benefit of PG&E as described above, and (3) the Clerk of the Board of Supervisors has been authorized and directed to record (or cause to be recorded) a certified copy of the Ordinance ordering such vacation as provided in Section 8325(a) of the California Streets and Highways Code, and thereupon such vacation shall be effective without any further action by the Board of Supervisors; and, be it

FURTHER RESOLVED, That notice is hereby given that on the 14th day of May, 2001, beginning at 3:00 p.m. in the Legislative Chambers of the Board of Supervisors, all persons interested in or objecting to the proposed vacation will be heard; and, be it

FURTHER RESOLVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth, the findings in the Director of Planning's letter referred to above that the proposed vacation of the Street Area is in

conformity with the City's General Plan and is consistent with the Eight Priority Policies of Planning Code Section 101.1; and, be it

FURTHER RESOLVED, That the San Francisco Board of Supervisors incorporates by reference herein as though fully set forth, the findings in the Redevelopment Agency's Executive Director's letter referred to above that the proposed vacation of the Street Area is in conformity with amendments to the Rincon Point/South Beach Redevelopment Plan; and, be it and be it

FURTHER RESOLVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth, the DPW Order No. 172,789 recommending vacation of the Street Area; and be it

FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board to transmit to the Department of Public Works a certified copy of this resolution, and the Board of Supervisors urges the Director of Public Works to publish or post this resolution promptly in the manner required by law and to give notice of the hearing of such contemplated action in the manner required by law.

RECOMMENDED:

(see file for signature)

Anthony J. DeLucchi

Director of Real Estate

(see file for signature)

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Director of Public Works

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City and County of San Francisco Tails

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

Resolution

File Number:

010361

Date Passed:

Resolution declaring the intention of the Board of Supervisors to vacate portions of the Embarcadero and Folsom Streets between Howard and Harrison Streets in connection with the Mid-Embarcadero Roadway Project; setting the hearing date for May 14, 2001, at 3:00 P.M. for all persons interested in the proposed vacation of the street areas; and adopting findings that the vacation is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1 and the applicable Redevelopment Plan Area.

April 23, 2001 Board of Supervisors — ADOPTED

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin

Absent: 4 - Ammiano, Newsom, Sandoval, Yee

File No. 010361

I hereby certify that the foregoing Resolution was ADOPTED on April 23, 2001 by the Board of Supervisors of the City and County of San Francisco.

lean Lum

Acting Clerk of the Board

APR 2 5 2001

Date Approved

Mayor Willie L. Brown Jr.

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