

1 [Street Vacation for Metro East Project]

2 Note: Additions are *single-underline italics Times New Roman*;
3 deletions are ~~*strikethrough italics Times New Roman*~~. -
4 Board amendment additions are double underlined.
5 Board amendment deletions are ~~strikethrough-normal~~.

6 **Ordinance ordering the summary vacation of portions of 26th Street, Michigan Street,**
7 **Georgia Street and Louisiana Street; making findings pursuant to the California Streets**
8 **and Highways Code, Chapter 4, Sections 8330 et seq.; adopting findings pursuant to**
9 **the California Environmental Quality Act; adopting findings that the vacation is**
10 **consistent with the City's General Plan and Eight Priority Policies of City Planning**
11 **Code Section 101.1; and ratifying acts and authorizing actions in furtherance of the**
12 **ordinance.**

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

14 Section 1. Findings. The Board of Supervisors of the City and County of San
15 Francisco finds, determines and declares as follows:

16 A. Pursuant to a Memorandum of Understanding dated January 25,
17 2001 between the Municipal Transportation Agency ("Muni") and the San Francisco Port
18 Commission ("Port"), Muni is developing an approximately 17 acre site, which is under Port
19 jurisdiction, for light rail vehicle storage, operations and maintenance facilities, and other
20 incidental Muni operational needs. Both Muni and the Port have requested that the Board of
21 Supervisors vacate portions of 26th, Michigan, Georgia and Louisiana Streets ("Street Areas")
22 within the 17 acre project site which is bounded by Illinois, Cesar Chavez, Maryland and 25th
23 Streets.

24
25

1 B. The Street Areas are as shown in the Department of Public Works'
2 SUR Map No. SUR-12001, dated December 3, 2001. A copy of such map is on file with the
3 Clerk of the Board of Supervisors in File No. 030643.

4 C. Section 8334 of the California Streets and Highways Code provides
5 that the legislative body of a local agency may summarily vacate an excess right-of-way of a
6 street or highway not required for street or highway purposes under certain circumstances. In
7 particular, Section 8334 provides that the legislative body of a local agency may summarily
8 vacate a portion of a street that: (a) lies within property under one ownership, and (b) does not
9 continue through such ownership or end touching the property of another. In addition, Section
10 8334.5 of the California Streets and Highways Code requires for a summary vacation that
11 there are no in-place public utility facilities that are in use and would be affected by the
12 vacation.

13 D. The Board of Supervisors finds that the Street Areas are excess
14 rights-of-way of a street or highway, which are not required for street or highway purposes.
15 Furthermore, from and after the date this Ordinance is recorded, the Street Areas will no
16 longer constitute streets or highways.

17 E. The Board of Supervisors finds that the Street Areas (a) lie within
18 property under one ownership, and (b) do not continue through such ownership or end
19 touching the property of another.

20 F. The Board of Supervisors finds that there are no in-place public utility
21 facilities that are in use and would be affected by the vacation of the Street Areas.

22 G. The vacation of the Street Areas is necessary in connection with
23 Muni's development of its Metro East Facility. The Street Areas will remain under Port
24 jurisdiction.
25

1 H. For purposes of compliance with CEQA, the Director of Planning, by
2 letters dated September 13, 2000 and May 14, 2002, which letters are on file with the Clerk of
3 the Board of Supervisors under File No. 030643, found that the Environmental Impact
4 Report for the Third Street Light Rail Project, which was certified December 3, 1998, covered
5 most aspects of the Metro East Facility and that pursuant to CEQA guidelines, Section 15162,
6 this street vacation would not require any additional environmental review.

7 I. The Director of Planning, by letters dated September 13, 2000 and
8 May 14, 2002, found that the vacation of the Street Areas is consistent with the City's General
9 Plan, including the street vacation criteria set forth in the Urban Design Element, and with the
10 Eight Priority Policies of City Planning Code Section 101.1, which letters are on file with the
11 Clerk of the Board of Supervisors under File No. 030643, and which letters are incorporated
12 herein by this reference.

13 Section 2. The public convenience and necessity require that no easements or other
14 rights be reserved for any public utility facilities that are in place in the Street Areas and that
15 any rights based upon any such public utility facilities shall be extinguished automatically upon
16 the effectiveness of the vacation hereunder.

17 Section 3. The public interest and convenience require that the vacation be done as
18 declared in this Ordinance.

19 Section 4. The Board of Supervisors hereby finds that the vacation of the Street Areas
20 is in conformity with the General Plan and is consistent with the Eight Priority Policies of
21 Planning Code Section 101.1 for the same reasons as set forth in the letters of the Director of
22 Planning dated September 13, 2000 and May 14, 2002 and hereby incorporates such findings
23 by reference as though fully set forth in this Ordinance.

1 Section 5. The Board of Supervisors finds that the vacation of the Street Areas under
2 this Ordinance does not require any additional environmental review pursuant to CEQA
3 guidelines, Section 15162.

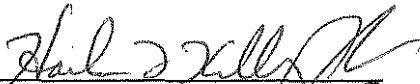
4 Section 6. The Board of Supervisors has acquired jurisdiction to order such vacation.

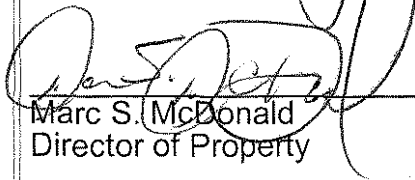
5 Section 7. Pursuant to California Streets and Highways Code, Division 9, Part 3,
6 Chapter 4, Sections 8330 et seq. (Public Streets, Highways, and Service Easement Vacation
7 Law, Summary Vacation) and Section 787 of the San Francisco Public Works Code, the
8 Street Areas are hereby ordered summarily vacated in the manner described in this
9 Ordinance, subject to the Clerk of the Board of Supervisors and the Director of Property
10 recording (or causing to be recorded) a certified copy of the Ordinance ordering such vacation
11 as provided in Section 8335(a) of the California Streets and Highways Code, and thereupon
12 such vacation shall be effective without any further action by the Board of Supervisors.


13 Section 8. All actions heretofore taken by the officers of the City with respect to such
14 street vacations are hereby approved, confirmed and ratified, and the Mayor, Clerk of the
15 Board, Director of Property, and Director of Public Works are hereby authorized and directed
16 to take any and all actions which they or the City Attorney may deem necessary or advisable
17 in order to effectuate the purpose and intent of this Ordinance (including, without limitation,
18 confirmation of satisfaction of any of the conditions to the effectiveness of the vacation of the
19 Street Areas hereunder and execution and delivery of any evidence of the same, which shall
20
21
22
23
24
25

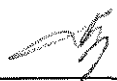
be conclusive as to the satisfaction of such conditions upon signature by any such City official or his or her designee).

RECOMMENDED:


Edwin M. Lee
Director of Public Works


Marc S. McDonald
Director of Property

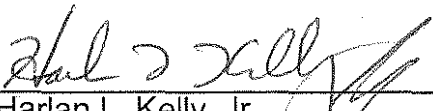

Michael Burns
Executive Director
Municipal Transportation Agency


Douglas Wong
Director, Port of San Francisco

APPROVED AS TO FORM:
Dennis J. Herrera, City Attorney

By: 
Carla J. Lieske
Deputy City Attorney

DESCRIPTION APPROVED:


Harlan L. Kelly, Jr.
Deputy Director for Engineering
and City Engineer



City and County of San Francisco

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

Tails Ordinance

File Number: 030643

Date Passed:

Ordinance ordering the summary vacation of portions of 26th Street, Michigan Street, Georgia Street and Louisiana Street; making findings pursuant to the California Streets and Highways Code, Chapter 4, Sections 8330 et seq.; adopting findings pursuant to the California Environmental Quality Act; 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 ratifying acts and authorizing actions in furtherance of the ordinance.

May 20, 2003 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

June 10, 2003 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 030643

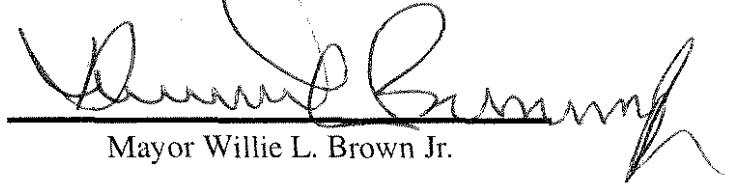
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on June 10, 2003 by
the Board of Supervisors of the City and
County of San Francisco.

JUN 10 2003

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Willie L. Brown Jr.