

1 [Street Vacation and Sale - Hester Avenue]  
2 ORDERING THE SUMMARY VACATION AND SALE OF PORTIONS OF HESTER AVENUE,  
3 MAKING FINDINGS PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE  
4 CHAPTER 4 SECTIONS 8330 ET SEQ. (PUBLIC STREETS, HIGHWAYS, AND SERVICE  
5 EASEMENTS VACATION LAW, SUMMARY VACATION), MAKING FINDINGS OF  
6 CONFORMITY WITH THE GENERAL PLAN AND PRIORITY POLICES OF PLANNING  
7 CODE SECTION 101.1, AND REQUESTING OFFICIAL ACTIONS IN CONNECTION WITH  
8 THE VACATION AND SALE.

9 Note: This entire section is new.

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

11 Section 1. Findings. (a) The Public Works and Real Estate Departments have  
12 requested that the Board of Supervisors vacate and sell portions of Hester Avenue;

13 (b) The proposed summary street vacation is necessary to complete sidewalk and  
14 retaining wall work in connection with a residential development on Hester Avenue;

15 (c) The subject area is shown on the Department of Public Works' drawings SUR-695,  
16 SUR-795, and Q-20-439, copies of which are on file with the Clerk of the Board of  
17 Supervisors in File No. 990072;

18 (d) Section 8334 of the California Streets and Highways Code provides that the  
19 legislative body of a local agency may summarily vacate an excess right-of-way of a street or  
20 highway that is no longer required for street or highway purposes.

21 Section 2. The Board of Supervisors finds the portions of Hester Avenue described in  
22 Department of Public Works' drawings SUR-695, SUR-795, and Q-20-439, copies of which  
23 are on file with the Clerk of the Board of Supervisors in File No. 990072, are excess  
24 right-of-way that is no longer required for street or highway purposes. Such portions of  
25 Hester Avenue are necessary to complete sidewalk and retaining wall work in connection with

1 a residential development on Hester Avenue. In addition, the Board finds that no in-place  
2 utility facilities exist in the portions of the street that will be affected by the summary vacation.

3 Section 3. Pursuant to California Streets and Highways Code, Division 9, Part 3,  
4 Chapter 4, Sections 8330 et seq. (Public Streets, Highways, and Service Easements Law,  
5 Summary Vacation), the Board of Supervisors hereby orders the summary vacation of  
6 portions of Hester Avenue as described in the aforementioned drawings. Furthermore, as of  
7 the date of recordation of this Ordinance, those portions of Hester Avenue described in the  
8 aforementioned drawings will no longer constitute a street or highway.

9 Section 4. The Board of Supervisors adopts as its own and incorporates by reference  
10 as though fully set forth herein the findings of the City Planning Department in its letter dated  
11 February 3, 1997 that found the proposed vacation and sale of the subject area in conformity  
12 with the City's General Plan and with the Eight Priority Policies of City Planning Code Section  
13 101.1. A copy of such letter is on file with the Clerk of the Board of Supervisors in File No.  
14 990072.

15 Section 5. The Board of Supervisors hereby authorizes the Director of Property, on  
16 behalf of the City and County of San Francisco, to execute a purchase and sale agreement, a  
17 quitclaim deed conveying the City's interest in the subject portions of Hester Avenue, and all  
18 other documents and instruments necessary to effectuate the vacation and sale of portions of  
19 Hester Avenue to the adjacent property owner, Bayside B.H. Development, Inc., copies of  
20 which are on file with the Clerk of the Board of Supervisors in File No. 990072.

21 Section 6. The Board of Supervisors approves and ratifies the sale of the subject  
22 portions of Hester Avenue to Bayside B.H. Development, Inc.

23 Section 7. The Board of Supervisors hereby directs its Clerk to transmit to the  
24 Recorder, the Director of Public Works, and the Director of Property, a certified copy of this  
25 Ordinance, and such officials are hereby directed to proceed thereafter as required by law.

DEPARTMENT OF REAL ESTATE  
BOARD OF SUPERVISORS

1 Section 8. All actions authorized by this Ordinance and heretofore taken by any City  
2 official in connection with the subject matter hereof are hereby ratified, confirmed, and  
3 approved by this Board of Supervisors.

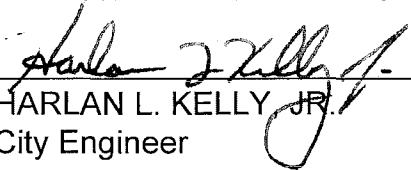
4  
5 RECOMMENDED:

6 DEPARTMENT OF PUBLIC WORKS

7   
8 MARK A. PRIMEAU  
Director of Public Works

DESIGNATION CERTIFIED BY:

DEPARTMENT OF PUBLIC WORKS

9   
10 HARLAN L. KELLY, JR.  
City Engineer

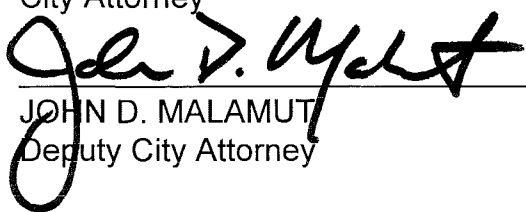
11 RECOMMENDED:

12 DEPARTMENT OF REAL ESTATE

13   
14 ANTHONY J. DeLUCCHI  
Director of Property

APPROVED AS TO FORM:

LOUISE H. RENNE  
City Attorney

15   
16 JOHN D. MALAMUT  
17 Deputy City Attorney  
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DEPARTMENT OF REAL ESTATE  
BOARD OF SUPERVISORS



# City and County of San Francisco

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

## Tails Ordinance

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**File Number:** 990072

**Date Passed:**

Ordinance ordering the summary vacation and sale of portions of Hester Avenue, making findings pursuant to the California Streets and Highway Code Chapter 4 Sections 8330 Et Seq. (Public Streets, Highways, and Service Easements Vacation Law, Summary vacation), making findings of conformity with the General Plan and Priority Policies of Planning Code Section 101.1, and requesting official actions in connection with the vacation and sale.

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March 29, 1999 Board of Supervisors — PASSED, ON FIRST READING

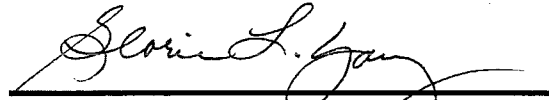
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

April 5, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

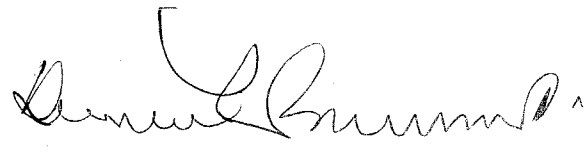
File No. 990072

I hereby certify that the foregoing Ordinance  
was **FINALLY PASSED** on April 5, 1999 by  
the Board of Supervisors of the City and  
County of San Francisco.

  
\_\_\_\_\_  
Gloria L. Young  
Clerk of the Board

APR 16 1999

\_\_\_\_\_  
Date Approved

  
\_\_\_\_\_  
Mayor Willie L. Brown Jr.

File No. 990072 continued...