

FILE NO. 041081

MOTION NO. M04-95

1 [Public Hearing – Eminent Domain]

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3 **Motion directing the Board of Supervisors to hold a public hearing on August 17, 2004,**

4 **at ~~3:00 p.m.~~^{4:30 p.m.}, with the Board sitting as a committee of the whole, to consider: (1)**

5 **adopting environmental findings under the California Environmental Quality Act, State**

6 **Guidelines, and Administrative Code Chapter 31; (2) adopting findings under the**

7 **General Plan and City Planning Code Section 101.1; and (3) adopting a resolution of**

8 **necessity for the City’s proposed acquisition by eminent domain for the Transbay**

9 **Terminal/Caltrain Downtown Extension/Redevelopment Project of Lots 45A, 46, 53, and**

10 **54 in Assessor’s Block 3721 (80 Natoma), in San Francisco.**

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12 WHEREAS, On April 22, 2004 the Transbay Joint Powers Authority (TJPA) by

13 Resolution No. 04-004 approved the Transbay Terminal/Caltrain Downtown

14 Extension/Redevelopment Project (the "Project");

15 WHEREAS, On June 15, 2004 the Board of Supervisors by Motion No. M04-67, Clerk

16 File No. 040629, denied the appeal of the Final EIS/EIR for the Project under the California

17 Environmental Quality Act ("CEQA") and affirmed the Planning Commission's certification of

18 the Final EIS/EIR;

19 WHEREAS, On July 23, 2004 the Transbay Joint Powers Authority (TJPA) determined

20 that acquisition of Lots 45A, 46, 53, and 54 in Assessor’s Block 3721 (the "Property") is

21 necessary to implement the Project; and, now, therefore, be it

22 MOVED, That it is the intention of the Board of Supervisors to hold a public hearing in

23 accordance with Section 1245.235 of the California Code of Civil Procedure with the Board

24 sitting as a committee of the whole to consider adopting a Resolution of Necessity (the

25 "Resolution") to acquire the Property by eminent domain, and entitled "Authorizing acquisition

1 of Lots 45A, 46, 53, and 54 in Assessor's Block 3721 in San Francisco, by eminent domain for
2 the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project; adopting
3 environmental findings under the California Environmental Quality Act, State Guidelines, and
4 Administrative Code Chapter 31; and adopting findings under the General Plan and City
5 Planning Code Section 101.1;" and, be it

6 FURTHER MOVED, That the public hearing on the Resolution will be set in such a
7 manner that each person whose name and address appears for the Property on the City's last
8 equalized tax assessment roll shall receive by first-class mail fifteen (15) days' notice of the
9 public hearing, at which each person may appear and be heard on whether: (1) the public
10 interest and necessity require the acquisition of the Property by eminent domain; (2) the
11 acquisition of the Property by eminent domain is planned or located in the manner that will be
12 most compatible with the greatest public good and least private injury; (3) the Property is
13 necessary for the Transbay Terminal Project; (4) the City has made the offer to the owner of
14 record of the Property as required by California Government Code Section 7267.2; (5) the
15 acquisition of the Property is consistent with the City's General Plan and City Planning Code
16 Section 101.1; and (6) the acquisition of the Property is consistent with CEQA, the State
17 Guidelines, and San Francisco Administrative Code Chapter 31; and, be it

18 FURTHER MOVED, That notice is hereby given that the Board will hold the public
19 hearing on the Resolution on the 17th day of August, 2004, beginning at 4:30 p.m., in the
20 Legislative Chamber, City Hall, Second Floor, 1 Dr. Carlton B. Goodlett Place, in the City;
21 and, be it

22 FURTHER MOVED, That at the public hearing, each person whose name and address
23 appears for the Property on the City's last equalized tax assessment roll, and who, within
24 fifteen (15) days after the Notice was mailed, has filed with the Clerk of the Board a written
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1 request to appear and be heard at the public hearing on the matters identified above, may do
2 so; and, be it

3 FURTHER MOVED, That the Resolution must be adopted by a two-thirds vote of all of
4 the members of the Board; and, be it

5 FURTHER MOVED, That at the close of the public hearing, the Board will vote to
6 decide whether to adopt or not to adopt the Resolution.

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City and County of San Francisco

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

Tails Motion

File Number: 041081

Date Passed: August 10, 2004

Motion directing the Board of Supervisors to hold a public hearing on August 17, 2004, at 4:30 p.m., with the Board sitting as a Committee of the whole, to consider (1) adopting environmental findings under the California Environmental Quality Act, State Guidelines, and Administrative Code Chapter 31; (2) adopting findings under the General Plan and City Planning Code Section 101.1; and (3) adopting a resolution of necessity for the City's proposed acquisition by eminent domain for the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project of Lots 45A, 46, 53, and 54 in Assessor's Block 3721 (80 Natoma), in San Francisco.

August 10, 2004 Board of Supervisors — AMENDED

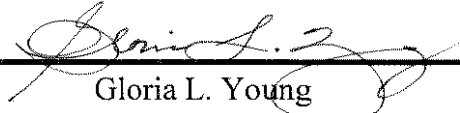
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma,
McGoldrick, Peskin, Sandoval
Absent: 1 - Maxwell

August 10, 2004 Board of Supervisors — APPROVED AS AMENDED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma,
McGoldrick, Peskin, Sandoval
Absent: 1 - Maxwell

File No. 041081

I hereby certify that the foregoing Motion
was APPROVED AS AMENDED on August
10, 2004 by the Board of Supervisors of the
City and County of San Francisco.



Gloria L. Young
Clerk of the Board