

1 [Interdepartmental jurisdictional transfer of surplus property.]

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3 **Ordinance transferring jurisdiction from the Public Utilities Commission to the Real**  
4 **Estate Division of the Administrative Services Department over certain portions of**  
5 **former municipal railway right-of-way property located in San Mateo County for the**  
6 **purpose of disposing of such property at fair market value and transferring the net**  
7 **proceeds to the City's General Fund.**

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

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11 Section 1. Findings. The Board of Supervisors of the City and County of San Francisco  
12 (the "Board") hereby finds and declares as follows:

13 A. The City and County of San Francisco acquired certain real property in  
14 San Mateo County for the operation of a street railway line running between the City and  
15 San Mateo County (the "Former Muni right-of-way Property").

16 B. Under Resolution No. 9867, in 1950, after use of that street railway line had  
17 been discontinued, the Board of Supervisors authorized the transfer of administrative  
18 jurisdiction over the Former Muni right-of-way Property from the City's Municipal Railway  
19 Department to the Water Department of the City's Public Utilities Commission ("PUC").

20 C. Notwithstanding such jurisdictional transfer, most of the Former Muni right-of-  
21 way Property, including all of the real property described as the "Transfer Property" in File  
22 No. \_\_\_\_\_ with the Clerk of the Board, has never been operated by the PUC as a  
23 utility, or included as part of the PUC's water supply, storage or distribution system, or  
24 otherwise used, operated or treated as part of the PUC's enterprise. In fact, in recent years  
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1 the PUC has sold or planned to sell most of the Former Muni right-of-way Property to third  
2 parties, and the Transfer Property is entirely surplus to the PUC's operational needs.

3 D. The bond covenants applicable to the PUC revenue bonds do not prohibit a sale  
4 or other disposition of the Transfer Property because such property is not considered part of  
5 the enterprise subject to the bond covenants.

6 Section 2. Transfer of Jurisdiction. Notwithstanding Article II of Chapter 23 of the  
7 San Francisco Administrative Code and subject to the approval of such transfer by the PUC,  
8 the jurisdiction over the Transfer Property is hereby transferred from the PUC to the Real  
9 Estate Division of the Administrative Services Department for disposition at fair market value  
10 in a manner consistent with Chapter 23 of the Administrative Code, subject to the prior  
11 approval of the Board of Supervisors by Resolution of any such disposition. The net proceeds  
12 of any such disposition shall be deposited in the City's General Fund.

13 Section 3. Implementation. The General Manger of the PUC and the Director of  
14 Administrative Services are hereby authorized to execute such deeds, certificates or other  
15 documents as may be necessary to confirm this transfer of jurisdiction, including, without  
16 limitation to and for the benefit of subsequent purchasers of all or any portion of the Transfer  
17 Property.

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19 APPROVED AS TO FORM:  
20 DENNIS J. HERRERA, City Attorney

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22 By: \_\_\_\_\_  
23 Michael Cohen  
24 Deputy City Attorney

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