

1 [Summary Vacation of a Portion of Channel Street Between 7th Street and Carolina
2 Street and Exchange of Property]

3
4 **Ordinance ordering the summary vacation of a portion of Channel Street**
5 **between 7th Street and Carolina Street, subject to specified conditions; adopting**
6 **findings pursuant to the California Streets and Highways Code Sections 8330 et**
7 **seq.; authorizing the exchange of such vacated City property with a new lot**
8 **created in Record of Survey No. 4778, owned by Macor, Inc., Sunset Scavenger**
9 **Company, and Norcal Waste Systems, Inc.; adopting environmental findings**
10 **and findings that the vacation and exchange are consistent with the City's**
11 **General Plan and Eight Priority Policies of City Planning Code Section 101.1;**
12 **and authorizing actions in furtherance of the ordinance.**

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

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

17 A. The City owns Channel Street between 7th Street and Carolina
18 Street, with a portion thereof consisting of approximately 31,400 square feet, which is
19 approximately half the width of the street, as shown in Department of Public Works'
20 SUR Map No. SUR-5006, dated May, 2006, and as more particularly described in the
21 legal description attached to such map (the "City Property"). A copy of such map and
22 accompanying legal description are on file with the Clerk of the Board of Supervisors
23 in File No. _____ and are incorporated herein by reference.

24 B. Macor, Inc., a California corporation, Sunset Scavenger
25 Company, a California corporation, and Norcal Waste Systems, Inc., a California

1 corporation (collectively, "Norcal") own certain real property adjacent to the Little
2 Hollywood Park (a City owned neighborhood park), a portion of which consists of
3 approximately 35,250 square feet, as shown in Record of Survey Number 4778, and
4 more particularly described in the legal description attached to such map (the "Norcal
5 Property") and which is currently leased to the City for use in conjunction with Little
6 Hollywood Park. A copy of such map and accompanying legal description are on file
7 with the Clerk of the Board of Supervisors in File No. _____ and are
8 incorporated herein by reference.

9 C. Norcal wishes to acquire the City Property to add to the working
10 area of its company headquarters adjacent thereto (the "Norcal Headquarters
11 Property"). In exchange for the City Property, Norcal proposes to transfer the Norcal
12 Property to City, which is currently leased to the City and used as an extension of
13 property owned by City and commonly known as Little Hollywood Park. If acquired,
14 the Norcal Property would become a part of Little Hollywood Park under the
15 jurisdiction of the City's Recreation and Park Department.

16 D. The City proposes to convey the City Property to Norcal in
17 exchange for the Norcal Property, with such exchange conditioned on the matters
18 substantially as shown in the Agreement for the Exchange and Conveyance of Real
19 Estate between the City and Norcal dated _____, a copy of which is
20 on file with the Clerk of the Board of Supervisors under File No. _____ (the
21 "Exchange Agreement") and is incorporated herein by reference.

22 E. City must vacate the City Property prior to any such transfer
23 pursuant to the Transfer Agreement, as further specified in the Exchange Agreement.

24 F. The Director of Planning, by letter dated January 27, 2006, found
25 that the vacation of the City Property (which is half the width of Channel Street,

1 leaving a portion to serve as a public street and greenway) and the subsequent
2 exchange of the City Property and the Norcal Property are categorically exempt from
3 environmental review and are in conformance with the City's General Plan. Said letter
4 is on file with Clerk of the Board of Supervisors under File No. _____ and
5 is incorporated herein by reference.

6 G. The Department of Public Works has advised the Real Estate
7 Division that there are no in-place public utility facilities in use on the City Property that
8 would be affected by the vacation of the City Property.

9 H. Section 8334 of the California Streets and Highways Code
10 provides that the legislative body of a local agency may summarily vacate an excess
11 right-of-way of a street or highway not required for street or highway purposes under
12 certain circumstances. In particular, Section 8334 provides that the legislative body of
13 a local agency may summarily vacate a portion of a public street if the street vacation
14 area is no longer needed for street or highway purposes. In addition, Section 8334.5
15 of the California Streets and Highways Code requires for a summary vacation that
16 there are no in-place public utility facilities that are in use and would be affected by the
17 vacation. As set forth above, the City Property qualifies for a summary street vacation
18 process in accordance with the terms of the California Streets and Highways Code.

19 I. The Norcal Headquarters Property is the only property that fronts
20 on the City Property.

21 J. Norcal and City agree that for purposes of the Exchange, the fair
22 market value for the City Property shall be deemed to be \$3,100,000 and that the fair
23 market value for the Norcal Property shall be deemed to be \$2,700,000.

24 K. Subject to the terms and conditions in the Exchange Agreement
25 and the effective date of the summary vacation procedure, at closing, Norcal agrees to

1 convey the Norcal Property and deliver a payment of \$400,000 to City and City agrees
2 to convey the vacated City Property to Norcal (the "Exchange").

3 L. In accordance with California Streets and Highways Code
4 Sections 892 and 8314, the portion of the right-of-way proposed for vacation is no
5 longer useful as a nonmotorized transportation facility, as defined in Section 887,
6 because portions of Channel Street will remain available to pedestrians and bicyclists.

7 Section 2. The public convenience and necessity require that no easements or
8 other rights be reserved for any public utility facilities and that any rights based upon
9 any such public utility facilities shall be extinguished automatically upon the
10 effectiveness of the vacation of the City Property hereunder.

11 Section 3. The public interest and convenience require that the vacation of the
12 City Property be done as declared in this Ordinance.

13 Section 4. The Board of Supervisors adopts as its own and incorporates by
14 reference as though fully set forth the findings of the City Planning Department in the
15 Director of Planning's aforementioned letter that the proposed vacation of the City
16 Property and exchange of the City Property for the Norcal Property is categorically
17 exempt from environmental review under the California Environmental Quality Act and
18 is in conformity with the General Plan and with the Eight Priority Policies of Section
19 101.1 of the Planning Code.

20 Section 5. Pursuant to California Streets and Highways Code Sections 8330 *et*
21 *seq.* (Public Streets, Highways, and Service Easement Vacation Law, Summary
22 Vacation) and Section 787 of the San Francisco Public Works Code, the City Property
23 is hereby ordered summarily vacated in the manner described in this Ordinance,
24 subject to and effective upon the satisfaction of the following condition: the City shall
25 have determined that all of the conditions precedent to the City's conveyance of the

1 City Property to Norcal under the Exchange Agreement (other than the effectiveness
2 of this Ordinance) have been satisfied or waived by the City pursuant thereto; and
3 upon the satisfaction of such conditions (as conclusively evidenced by a letter from the
4 Director of Property, or his or her designee, that such conditions have been satisfied,
5 including the satisfaction of such conditions through an escrow established for the
6 Exchange pursuant to the Exchange Agreement), the Clerk of the Board of
7 Supervisors and the Director of Property shall be authorized and the Clerk shall be
8 directed to record or cause to be recorded a certified copy of the Ordinance ordering
9 such vacation of the City Property as provided in Section 8335(a) of the California
10 Streets and Highways Code, and thereupon such vacation shall be effective without
11 any further action by the Board of Supervisors. Furthermore, from and after the date
12 this Ordinance is recorded, the City Property will no longer constitute a public street.

13 Section 6. The Department of Public Works hereby receives the \$400,000
14 generated by the exchange of property for deposit into their Real Property Fund.

15 Section 7 The Recreation and Park Department is anticipating passing its
16 Resolution no. _____ approving the Exchange Agreement. Said Resolution
17 is on file with Clerk of the Board of Supervisors under File No. _____ and
18 is incorporated herein by reference.

19 Section 8. The Director of Property is hereby authorized to enter into the
20 Exchange Agreement and is hereby authorized and directed to do any and all things
21 to execute and deliver the Exchange Agreement, including making minor technical
22 adjustments, and all other documents with respect to the Exchange Agreement which
23 the Director of Property or the City Attorney may deem necessary or achievable to
24 effectuate the purpose or intent of the Exchange.

25

1 Section 9. The Mayor, Clerk of the Board, Director of Property, and Director
2 of Public Works are hereby authorized and directed to take any and all actions which
3 they or the City Attorney may deem necessary or advisable in order to effectuate the
4 purpose and intent of this Ordinance (including, without limitation, confirmation of
5 satisfaction of any of the conditions to the effectiveness of the vacation of the City
6 Property herein and the consummation of the Exchange in accordance with the
7 Exchange Agreement).

8
9

10 RECOMMENDED:

11

12 _____
13 Amy L. Brown
14 Director of Property

14

15 _____
16 Edward D. Reiskin
17 Director of Public Works

18 APPROVED AS TO FORM:

19 DENNIS J. HERRERA, City Attorney

21

22 By: _____
23 Carol Wong
24 Deputy City Attorney

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