

1 [Vacation of easements in approximately 260 square foot portion of the N2 mid-block walkway
2 (Assessor’s Block 8706, Lot 2)]

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4 **Ordinance ordering the vacation of two (2) portions of the pedestrian ingress and**
5 **egress easement and public utility easement in the N2 mid-block walkway (Assessor’s**
6 **Block 8706, Lot 2), within the Mission Bay North Redevelopment Project Area;**
7 **authorizing a quitclaim of the City and County of San Francisco’s rights and interest in**
8 **the vacated areas; adopting findings that such actions are consistent with the City’s**
9 **General Plan, the eight priority policies of City’s Planning Code Section 101.1 and the**
10 **Mission Bay North Redevelopment Plan; accepting Department of Public Works Order**
11 **No. 174,111; and authorizing other official acts in connection with this ordinance.**

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13 Note: Additions are *single-underline italics Times New Roman*;
14 deletions are *strikethrough italics Times New Roman*.
15 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

17
18 Section 1. FINDINGS.

19 (a) On _____, 2003, the Board of Supervisors adopted Resolution
20 No. _____, a copy of which is in Clerk of the Board of Supervisors File No.
21 _____, being a Resolution of Intention to Order the vacation of two (2) portions of the
22 pedestrian ingress and egress easement and public utility easements (collectively, the
23 “Easement”) in the N2 – Mid-block walkway (Assessor’s Block 8706, Lot 2), within the Mission
24 Bay North Redevelopment Project Area, (the “Resolution of Intention”). The general location
25 and extent of such areas to be vacated are described as follows:

1 Two (2) portions of the Pedestrian Ingress and Egress Easement and Public Utility
2 Easement in the N2 Mid-block walkway (Assessor's Block 8706, Lot 2) consisting of
3 approximately 260 square feet, as shown on the Department of Public Works' SUR
4 Map No. 5003, dated May 12, 2003, and are more particularly described in the legal
5 descriptions attached to such map (collectively, the "Easement Vacation Area").

6 Copies of such map and legal descriptions are on file with the Clerk of the Board of
7 Supervisors in File No. _____.

8 (b) The Clerk of the Board of Supervisors did transmit to the Director of the
9 Department of Public Works a certified copy of the Resolution of Intention and the Director of
10 the Department of Public Works did cause notice of adoption of such resolution to be posted
11 and published in the manner required by law.

12 (c) When such matter was considered as scheduled by the Board of Supervisors at
13 its regular meeting held in the City Hall, San Francisco, on _____, 2003, beginning
14 at approximately 2:00 P.M., the Board heard all persons interested in such vacation.

15 (d) In DPW Order No. 174,111, dated May 7, 2003 the Director of the Department of
16 Public Works and the City Engineer found and determined that with respect to the vacation of
17 the Easement in the Easement Vacation Area, (i) there are no public utility facilities located or
18 to be located in the Easement Vacation Area, (ii) the vacation of the Easement in the
19 Easement Vacation Area is consistent with the purpose and intent of the Mission Bay North
20 Redevelopment Plan, (iii) the quitclaim of the Easement in the Easement Vacation Area will
21 not be materially detrimental to the public welfare or injurious to other property in the area,
22 and (iv) the Easement Vacation Area is no longer needed for present or prospective public
23 pedestrian ingress/egress or for public utility purposes. A copy of the DPW Order is on file
24 with the Clerk of the Board of Supervisors in File No. _____ and is incorporated by
25 reference as though fully set forth herein. The Board of Supervisors adopts as its own the

1 findings and determinations of the City Engineer and the Director of Public Works as set forth
2 in DPW Order No. 174,111 and approves their recommendation in connection with the
3 proposed vacation of the Easement in the Easement Vacation Area.

4 (e) In a letter dated May 13, 2003 (the "Planning Department's Letter"), the City
5 Planning Department determined that the proposed vacation and other actions are consistent
6 with the General Plan consistency findings of Case No. 96.771R, the eight priority policies of
7 Planning Code Section 101.1 and the contemplated actions do not trigger the need for
8 subsequent environmental review pursuant the California Environmental Quality Act (CEQA)
9 (California Public Resources Code Sections 21000 et seq.). A copy of the Planning
10 Department letter is on file with the Clerk of the Board of Supervisors in File No.
11 _____ and is incorporated by reference as though fully set forth herein. The Board
12 of Supervisors adopts as its own the consistency and CEQA findings of the City Planning
13 Department as set forth in the Planning Department Letter in connection with the proposed
14 vacation of the Easement in the Easement Vacation Area.

15 (f) In a letter dated May 21, 2003 (the "Agency Letter"), the Redevelopment Agency
16 found the proposed vacation and other actions are "consistent with the Mission Bay North
17 Redevelopment Plan and Plan Documents, described therein, and recommends Board of
18 Supervisors approval". A copy of the Agency Letter is on file with the Clerk of the Board of
19 Supervisors in File No. _____ and is incorporated by reference as though fully set
20 forth herein. The Board of Supervisors adopts as its own the consistency findings of the San
21 Francisco Redevelopment Agency as set forth in the Agency Letter in connection with the
22 proposed vacation of the Easement in the Easement Vacation Area.

23 (g) The vacation of the Easement in the Easement Vacation Area is being taken
24 pursuant to California Streets and Highways Code sections 8300 et seq. and Public Works
25 Code Section 787(a).

1 (h) From all the evidence submitted at the public hearing noticed in the Resolution of
2 Intention and the materials on file with the Clerk of the Board in File No. _____, the
3 Board of Supervisors finds that the Easement Vacation Area, as described in such resolution,
4 is unnecessary for present or prospective public use.

5 (i) The public interest, convenience and necessity require that no other easements or
6 other rights be reserved for any public utility facilities that are in place in such Easement
7 Vacation Area and that any rights based upon any such pedestrian ingress and egress or
8 public utility facilities are extinguished.

9 (j) The public interest and convenience require that the vacation be done as declared
10 in the Resolution of Intention.

11 Section 2. The Easement in the Easement Vacation Area is hereby ordered vacated in
12 the manner described in the Resolution of Intention and pursuant to California Streets and
13 Highways Code sections 8300 et seq. and Public Works Code Section 787(a).

14 Section 3. The Board of Supervisors hereby directs the Clerk of the Board of
15 Supervisors to transmit to the Director of Public Works a certified copy of this Ordinance, and
16 the Board of Supervisors hereby urges the Director of Public Works and Director of Property
17 to proceed in the manner required by law. The Clerk of the Board is also hereby directed to
18 transmit to the Director of Public Works a certified copy of this Ordinance so that this
19 Ordinance may be recorded together with the other Property Exchange Agreement
20 documents through a Joint Escrow.

21 Section 4. The Board of Supervisors hereby authorizes the Director of Property to
22 execute the quitclaim deed on behalf of the City quitclaiming the City's interest in the
23 Easement in the Easement Vacation Area to Catellus.

24 Section 5. All actions heretofore taken by the officers of the City with respect to such
25 vacation of the Easement in the Easement Vacation Area are hereby approved, confirmed

1 and ratified, and the Mayor, Clerk of the Board, Director of Property, and Director of Public
2 Works are hereby authorized and directed to take any and all actions that they or the City
3 Attorney may deem necessary or advisable in order to effectuate the purpose and intent of
4 this Ordinance (including, without limitation, the filing of the Ordinance in the Official Records
5 of the City and County of San Francisco and confirmation of satisfaction of any of the
6 conditions to the effectiveness of the vacation of the Easement in the Easement Vacation
7 Area).

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10 RECOMMENDED:
11 DEPARTMENT OF PUBLIC WORKS

RECOMMENDED:
DIRECTOR OF PROPERTY

12
13 By: _____
14 Edwin M. Lee
15 Director of Public Works

By: _____
Steve Legnitto
Acting Director of Property

16
17 RECOMMENDED:
18 DEPARTMENT OF PUBLIC WORKS

APPROVED AS TO FORM:
DENNIS J. HERRERA
City Attorney

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20
21 By: _____
22 Harlan L. Kelly, Jr.
23 City Engineer

By: _____
John D. Malamut
Deputy City Attorney

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