

1 [Motion to Hold Public Hearing on Adopting a Resolution To Acquire Property By Eminent
2 Domain]

3 **Motion directing the Board of Supervisors to hold a public hearing on ~~November 7~~**
4 **December 5, 2006, at 3:00 p.m., with the Board sitting as a committee of the whole, to**
5 **consider adopting a Resolution of Necessity for the City's proposed acquisition by**
6 **eminent domain of 2.8 acres of property adjacent to City property at Indiana and Cesar**
7 **Chavez Streets consisting of portions of Assessor's Lots 2, 2A and 13 in Block 4349**
8 **and a portion of Assessor's Lot 3 in Block 4382, in the City and County of San**
9 **Francisco, for construction of the Municipal Railway's new Islais Creek Motor Coach**
10 **Operations and Maintenance Facility.**

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12 WHEREAS, On April 6, 2004 the Municipal Transportation Agency Board ("MTAB")
13 adopted Resolution No. 04-048 in which the MTAB found that the acquisition by eminent
14 domain of the real property consisting of portions of Assessor's Lots 2, 2A and 13 in Block
15 4349 and a portion of Assessor's Lot 3 in Block 4382, located in the City and County of San
16 Francisco ("Property"), is necessary for construction of MUNI's new bus maintenance yard
17 and related facilities ("Project"), and that failure to acquire the Property and construct the
18 Project would substantially impair the performance of MUNI; and,

19 WHEREAS, Section 1245.235 of the Code of Civil Procedure requires that a public
20 hearing be held by the Board of Supervisors sitting as a committee of the whole to make a
21 finding that there is or is not a public interest and necessity for the City and County of San
22 Francisco to acquire the Property for construction of the Project, that the Project is planned
23 and located in a manner that will be most compatible with the greatest public good and the
24 least private injury, that the Property to be acquired is necessary for the Project and that the

1 City has made the offer(s) required by California Government Code Section 7267.2 to the
2 owner(s) of record of the property; now, therefore, be it

3 MOVED, That it is the intention of this Board of Supervisors to hold a public hearing of
4 the full Board of Supervisors to consider adopting a resolution to acquire the Property by
5 eminent domain; and be it

6 FURTHER MOVED, This public hearing is being set in such a manner that a minimum
7 of fifteen (15) days notice shall be given to each person whose name and address appears on
8 the last equalized San Francisco County assessment roll notice for the Property to be
9 acquired; and, be it

10 FURTHER MOVED, Said public hearing is to be held in accordance with Section
11 1245.235 of the Code of Civil Procedure and notice is hereby given that on the ~~7⁵~~⁷th day of
12 ~~November~~December, 2006, beginning at 3:00 p.m., the Board of Supervisors will hold such
13 public hearing; and, be it

14 FURTHER MOVED, At the public hearing, each person whose name and address
15 appears on the last equalized county assessment role notice for the Property to be acquired
16 and who has filed a written request to appear within fifteen (15) days after the notice was
17 mailed to them by first class mail may appear and be heard at the public hearing on whether
18 the public interest and necessity require the City and County of San Francisco to acquire the
19 Property, the Project is planned and located in the manner that will be most compatible with
20 the greatest public good and least private injury, the Property sought to be acquired is
21 necessary for the Project, and the City has made the offer(s) required by California
22 Government Code Section 7267.2 to the owner(s) of record of the Property; and be it

23 FURTHER MOVED, That the Resolution to acquire the Property by eminent domain
24 must be made by a two-thirds vote of all the members of the Board of Supervisors; and, be it

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1 FURTHER MOVED, That at the close of the public hearing, the Board will vote to
2 decide whether or not to adopt the Resolution captioned "Resolution Authorizing acquisition of
3 2.8 acres of property adjacent to City property at Indiana and Cesar Chavez Streets,
4 consisting of portions of Assessor's Lots 2, 2A and 13 in Block 4349 and a portion of
5 Assessor's Lot 3 in Block 4382, in the City and County of San Francisco, for construction of
6 the Municipal Railway's new Islais Creek Motor Coach Operations and Maintenance Facility;
7 adopting environmental findings under the California Environmental Quality Act ("CEQA"),
8 CEQA Guidelines, and Administrative Code Chapter 31, and adopting findings under the
9 General Plan and City Planning Code Section 101.1." on file with the Clerk of the Board of
10 Supervisors in File No. 061377, which is hereby declared to be a part of this motion as if set
11 forth fully herein.

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