

1 [Vacation and Sale – Portion of 23rd Street]

2 ORDERING THE VACATION AND SALE OF A PORTION OF 23RD STREET LOCATED
3 ON THE WEST SIDE OF PENNSYLVANIA AVENUE, AND AUTHORIZING OTHER
4 OFFICIAL ACTIONS IN CONNECTION THEREWITH.

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7 BE IT ORDAINED BY THE PEOPLE OF THE CITY AND COUNTY OF SAN FRANCISCO:

8 Section 1. Findings.

9 (a) On November 9, 1998, the Board of Supervisors adopted Resolution No.
10 94-98, a copy of which is on file in the Office of the Clerk of the Board of Supervisors in File
11 No. 98-1765, being a Resolution of Declaration of Intention to Order the Vacation of a portion of
12 23rd Street, located on the west side of Pennsylvania Avenue (the "Subject Area").

13 (b) The Subject Area adjoins a large warehouse facility owned by the San Francisco
14 Food Bank (the "Food Bank").

15 (c) The Subject Area is shown on the Department of Public Works SUR Drawing
16 No. 1196, Parcel No. 2, dated November 19, 1996, a copy of which is on file in the Office of the Clerk
17 of the Board of Supervisors in File No. 98-1766.

18 (d) Clerk of the Board of Supervisors transmitted to the Department of Public
19 Works a certified copy of said Resolution, and the Director of Public Works caused notice of adoption
20 of said Resolution to be posted in the manner required by law.

21 (e) When such matter was considered as scheduled by the Board of Supervisors at
22 its regular meeting held in City Hall, San Francisco, on December 7, 1998, beginning at 3:00 p.m.,
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1 the Board heard all persons interested in said vacation and sale.

2 (f) From all the evidence submitted at the hearing on such Resolution, the Board of
3 Supervisors finds that except for a public utility easement reserved for use, installation, maintenance,
4 repair and replacement of existing and future PG&E gas and electric facilities as well as future utility
5 installations by other parties, the Subject Area described in said Resolution is unnecessary for present
6 or future public use.

7
8 (g) The public convenience and necessity will be better served by requiring that the
9 vacation be undertaken as declared in such Resolution No. 914-98 and that such street area be
10 sold. The Board of Supervisors has jurisdiction to order such vacation and sale.

11 (h) By letter dated December 24, 1996, a copy of which is on file in the Office of
12 the Clerk of the Board of Supervisors in File No. 98-1766, the Department of City Planning found
13 that the proposed vacation of the Subject Area is in conformity with City's General Plan and consistent
14 with the Eight Priority Policies of City Planning Code Section 101.1. On Nov. 9, 1998 in
15 Resolution No. 914-98, the San Francisco Board of Supervisors adopted as its own and
16 incorporated by reference the findings in the Department of City Planning's letter of December 24,
17 1996.

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19 Section 2. Pursuant to Sections 8320 et seq. of the Streets and Highways Code, the Subject
20 Area, as described in Department of Public Works SUR Drawing No. 1196, Parcel 2, dated
21 November 19, 1996, a copy of which is on file in the Office of the Clerk of the Board of Supervisors
22 in File No. 98-1766 is hereby ordered to be vacated conditioned upon the reservation of a public utility
23 easement for the purpose of access for use, installation, maintenance, repair and replacement of
24 existing PG&E gas and electric facilities as well as future utility installations by other parties.
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1 Section 3. The Director of Property, on behalf of the City and County of San Francisco, is
2 hereby further authorized to execute a purchase agreement, a quitclaim deed conveying City's interest
3 in the Subject Area and any other documents and instruments necessary to effectuate the vacation and
4 sale of the Subject Area to the Food Bank.

5 Section 4. The Board of Supervisors approves and ratifies the sale of the Subject Area to the
6 Food Bank.

7 Section 5. The Clerk of the Board of Supervisors is hereby directed to transmit to the
8 Recorder and the Director of Public Works a certified copy of this Ordinance, and the Recorder and
9 the Director of Public Works are hereby directed to proceed thereafter as required by law.
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12 **RECOMMENDED:**

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15 Director of Public Works and
16 City Architect

DESCRIPTIONS
APPROVED/CHECKED:

By: Nancy Lockard, L.S. Acting Chief Surveyor
for: Deputy Director of Public Works &
City Engineer

17 
18 Director of Property
SR

19 **APPROVED AS TO FORM:**

20 Louise H. Renne, City Attorney

21
22 By 
23 Deputy City Attorney

24 GJR:avd
25



City and County of San Francisco

Veterans Building
401 Van Ness Avenue, Room 308
San Francisco, CA 94102-4532

Tails

Ordinance

File Number: 981766

Date Passed:

Ordinance ordering the vacation of a portion of 23rd Street located on the west side of Pennsylvania Avenue, and authorizing other official actions in connection therewith.

December 7, 1998 Board of Supervisors — PASSED ON FIRST READING

Ayes: 9 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Teng, Yaki, Yee

Absent: 2 - Medina, Newsom

December 14, 1998 Board of Supervisors — FINALLY PASSED

..... Ayes: 11 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom,

Teng, Yaki, Yee

File No. 981766

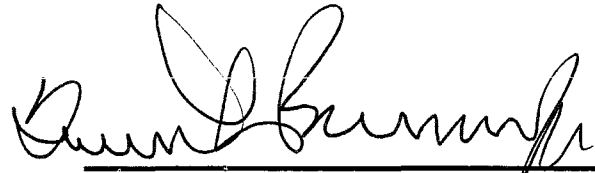
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on December 14, 1998 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

DEC 18 1998

Date Approved



Mayor Willie L. Brown Jr.