

FILE NO. 050851

RESOLUTION NO.

1 [Vacation of a portion of Bernal Heights Boulevard.]

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3 **Resolution declaring the intention of the Board of Supervisors to vacate a portion of**
4 **Bernal Heights Boulevard west of Moultrie Street and transfer jurisdiction from the**
5 **Department of Public Works to the Recreation and Park Department; setting the**
6 **hearing date, September 13, 2005 at 3:00 p.m. for all persons interested in the proposed**
7 **vacation of the street vacation area; and adopting environmental findings and findings**
8 **that the vacation is consistent with the City's General Plan and the Eight Priority**
9 **Policies of Planning Code Section 101.1.**

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11 WHEREAS, The vacation of a portion of Bernal Heights Boulevard west of Moultrie
12 Street (the "Vacation Area") in the City and County of San Francisco (the "City") and
13 jurisdictional transfer from the Department of Public Works to the Recreation and Park
14 Department has been proposed as part of the Bernal Heights Park ("Park") Project to improve
15 the Park's entrance and pedestrian pathways and to increase the area of the Park; and

16 WHEREAS, The Vacation Area is shown in the Department of Public Works SUR Map
17 No. 6004, dated March 17, 2005, a copy of which is on file with the Clerk of the Board of
18 Supervisors in File No. 050851 and is incorporated herein by reference; and.

19 WHEREAS, In a letter dated March 17, 2005 (the "DPW Letter"), the Department of
20 Public Works found that: (i) the Vacation Area is no longer necessary for the City's present or
21 prospective future street purposes, and (ii) there are no physical public utility facilities within
22 the Vacation Area. A copy of the DPW Letter is on file with the Clerk of the Board of
23 Supervisors in File No. 050851 and is incorporated by reference as though fully set forth
24 herein. The Board of Supervisors adopts as its own the recommendations of the Department

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1 of Public Works as set forth in the DPW Letter concerning the vacation of the Vacation Area
2 and other actions in furtherance thereof; and,

3 WHEREAS, On November 9, 2004, the Director of City Planning (the “Director of
4 Planning”) sent a letter, a copy of which is on file with the Clerk of the Board of Supervisors in
5 File No. 050851 and is incorporated herein by reference, wherein the Director of Planning (i)
6 found that the proposed vacation of the Vacation Area is in conformity with the City’s General
7 Plan and consistent with the priority policies of Planning Code Section 101.1 and (ii)
8 determined that the actions contemplated in this Resolution are in compliance with the
9 California Environmental Quality Act (California Public Resources Code Sections 21000 et
10 seq.); and,

11 WHEREAS, Section 787(a) of the San Francisco Public Works Code provides that the
12 City will follow the procedure for vacating streets as set forth in State law in the California
13 Streets and Highways Code Sections 8300 et seq. and such rules and conditions as are
14 adopted by the Board of Supervisors. Public Works Code Section 787(b) also sets forth a
15 policy directive concerning vacation of unimproved streets in Bernal Heights, and said
16 vacation is consistent with this directive as the property will be compatible with open space
17 use; now, therefore, be it

18 RESOLVED, That the vacation proceeding of the Vacation Area is conducted under the
19 general vacation procedures of the Public Streets, Highways and Service Easements
20 Vacation Law (California Streets and Highways Code Sections 8300 et seq.); and, be it

21 FURTHER RESOLVED, That under Sections 8300 et seq. of the California Streets and
22 Highways Code, the Board of Supervisors hereby declares that it intends to order the vacation
23 of the Vacation Area, as described in SUR Map No. 6004 referred to above; and, be it

24 FURTHER RESOLVED, That the vacation of the Vacation Area shall be conditioned
25 upon and shall not become effective until the Clerk of the Board records or causes to be

1 recorded a certified copy of the Ordinance ordering such vacation as provided in Section
2 8325(a) of the California Streets and Highways Code, and thereupon such vacation shall be
3 effective without any further action by the Board of Supervisors; and, be it

4 FURTHER RESOLVED, That notice is hereby given that on the 13th day of September,
5 2005, beginning at approximately 3:00 p.m. in the Legislative Chambers of the Board of
6 Supervisors, all persons interested in or objecting to the proposed vacation will be heard; and,
7 be it

8 FURTHER RESOLVED, That the Board of Supervisors adopts as its own the findings
9 in the Director of Planning's letter referred to above, including the determination of compliance
10 with the California Environmental Quality Act and findings that the proposed vacation of the
11 Vacation Area is consistent with the General Plan and the Eight Priority Policies of Planning
12 Code Section 101.1; and, be it

13 FURTHER RESOLVED, That the Board of Supervisors directs the Clerk to transmit to
14 the Department of Public Works a certified copy of this resolution, and the Board of
15 Supervisors urges the Director of Public Works to publish or post this resolution promptly in
16 the manner required by law and to give notice of the hearing of such contemplated action in
17 the manner required by law.

18 RECOMMENDED:

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20 _____
21 Steve Legnitto
22 Director of Property

Edwin M. Lee
Director of Public Works

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23 _____
24 Yomi Agunbiade
25 Acting General Manager
Recreation and Park Department

Robert P. Beck
Deputy Director of Engineering
Department of Public Works

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