

1 [Resolution of Intent - Street Vacation - Quint Street Railroad Crossing Improvement Project -
2 Quint Street, McKinnon Ave and Newcomb Ave]

3 **Resolution declaring the intention of the Board of Supervisors to vacate a portion of**
4 **Quint Street, McKinnon Avenue, Newcomb Avenue as a part of the Quint Street**
5 **Railroad Crossing Improvement Project; and setting a hearing date of June 3, 2014, for**
6 **all persons interested in the proposed vacation of said street areas.**

7
8 WHEREAS, The Quint Street Railroad Crossing Improvement Project (Project), to be
9 executed by the Peninsula Corridor Joint Powers Board (JPB), involves the improvement of a
10 dilapidated railroad overcrossing at Quint Street north of Newcomb; and

11 WHEREAS, The Project will result in construction of a physical berm across Quint
12 Street to stabilize the rail corridor crossing at that location, which will result in closure of Quint
13 Street and other noted affected areas of Newcomb Avenue and McKinnon Avenues
14 (collectively, the "Vacation Area"); and

15 WHEREAS, This vacation proceeding for the Project is conducted under the general
16 vacation procedures of the Public Streets, Highways and Service Easements Vacation Law
17 (California Streets and Highways Code, section 8300 et seq.); and

18 WHEREAS, Section 787(a) of the San Francisco Public Works Code provides that the
19 street vacation procedures for the City and County of San Francisco (the "City") shall be in
20 accordance with the applicable provisions of the California Streets and Highways Code and
21 such rules and conditions as are adopted by the Board of Supervisors; and

22 WHEREAS, The location and extent of the Vacation Area is more particularly described
23 on the draft Department of Public Works' SUR Map No. 2013-005, a copy of said map is on
24 file with the Clerk of the Board of Supervisors in File No. 140452 and incorporated herein by
25 reference; and

1 WHEREAS, In the undated draft DPW Order, a copy of which is on file with the Clerk of
2 the Board of Supervisors in File No.140452 and incorporated herein by reference, the Director
3 of the Department of Public Works determined: (a) the Vacation Area is no longer necessary
4 for the City’s present or prospective future public street and sidewalk purposes; (b) in
5 accordance with the Streets and Highways Code, Section 892 and 8314, the right-of-way and
6 part thereof proposed for vacation are no longer useful as a nonmotorized transportation
7 facility, as defined in Section 887, because the design of the Project includes a new facility for
8 bicycle and pedestrian movement that are equal to or in excess of what may currently exist;
9 (c) the proposed quitclaim of public right-of-way to the JPB is necessary for execution of the
10 Project and the City shall convey said quitclaim in the future once the real property title issues
11 are addressed; (d) the value of the public right-of-way to that the City will convey to the JPB is
12 negligible, and of no greater value than those rights previously quitclaimed at no cost to City
13 by JPB in relation to an adjacent but unrelated development project; and (e) there are no
14 physical public utility or private facilities within the Vacation Area except those of the SFPUC
15 for waterline purposes; and

16 WHEREAS, The public interest, convenience and necessity require that the City
17 reserve from the vacation of the Vacation Area an easement for the benefit of the City’s Public
18 Utilities Commission (SFPUC) for waterline purposes in, upon, and under that certain portion
19 of the Vacation Area in which their respective in-place and functioning facility is located, to the
20 extent necessary to maintain, operate, repair and remove existing lines of pipe and other
21 convenient structures, equipment and fixtures for the SFPUC, together with reasonable
22 access to the foregoing utility for the purposes set forth above. The City also shall reserve
23 temporary rights for the JPB to construct and maintain the Railroad Crossing Improvement
24 Project until the City resolves the real property title issues in the Vacation Area and quitclaims
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1 the underlying property to the JPB subject to the abovementioned reservation for the SFPUC;
2 and

3 WHEREAS, The Planning Department, in a letter dated June 24, 2013, determined that
4 the proposed vacation is, on balance, consistent with the General Plan and priority policies of
5 Planning Code Section 101.1. A copy of said letter is on file with the Clerk of the Board of
6 Supervisors in File No. 140452, and is incorporated herein by reference; and

7 WHEREAS, Subject to the reservations and conditions specified in this Resolution,
8 none of the Vacation Area is necessary for present or prospective public use; and

9 WHEREAS, Except as specifically provided above, the public interest, convenience,
10 and necessity require that no other easements or other rights be reserved for any public or
11 private utility facilities that in place in the Vacation Area and that any rights based upon any
12 such public or private utility facilities be extinguished; now, therefore, be it

13 RESOLVED, That under section 8320 et seq. of the California Streets and Highway
14 Code, the Board of Supervisors hereby declares that it intends to order the vacation of the
15 Vacation Area as shown on SUR Map No. 2013-005, which is incorporated herein by
16 reference; and be it

17 FURTHER RESOLVED, That notice is hereby given that on June 3, 2014, at 3:00 P.M.
18 in the Legislative Chambers of the Board of Supervisors, all persons interested in or objecting
19 to the proposed vacation will be heard; and be it

20 FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board
21 to transmit to the Department of Public Works a certified copy of this Resolution, and the
22 Board of Supervisors directs the Director of Public Works and Clerk of the Board to publish
23 and post this Resolution and to give notice of the hearing of such contemplated action in the
24 manner required by law.

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