

1 [Resolution of Intent - Street Vacation - Quint Street Railroad Crossing Improvement
2 Project - 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, and 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.**

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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 Department of Public Works' SUR Map No. 2013-004, dated October 31, 2013, copy of
24 said map is on file with the Clerk of the Board of Supervisors in File No. 140452; and

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1 WHEREAS, in DPW Order No. _____, dated _____, 2014, a copy of
2 which is on file with the Clerk of the Board of Supervisors in File No. 140452, the Director of
3 the Department of Public Works determined: (a) the Vacation Area is no longer necessary for
4 the City’s present or prospective future public street and sidewalk purposes; (b) in accordance
5 with the Streets and Highways Code, Section 892 and 8314, the right-of-way and part thereof
6 proposed for vacation are no longer useful as a nonmotorized transportation facility, as
7 defined in Section 887, because the design of the Project includes a new facility for bicycle
8 and pedestrian movement that are equal to or in excess of what may currently exist; (c) the
9 proposed quitclaim of public right-of-way is necessary for execution of the Project; (d) the
10 value of quitclaimed public right-of-way to JPB is negligible, and of no greater value than
11 those rights previously quitclaimed at no cost to City by JPB in relation to an adjacent but
12 unrelated development project; and (e) there are no physical public utility or private facilities
13 within the Vacation Area except SFPUC for waterline purposes; and

14 WHEREAS, The public interest, convenience and necessity require that the City
15 reserve from the vacation of the Vacation Area an exclusive easement for the benefit of the
16 City’s Public Utilities Commission (SFPUC) for waterline purposes in, upon, and under that
17 certain portion of the Vacation Area in which their respective in-place and functioning facility is
18 located, to the extent necessary to maintain, operate, repair and remove existing lines of pipe
19 and other convenient structures, equipment and fixtures for the SFPUC, together with
20 reasonable access to the foregoing utility for the purposes set forth above; and

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

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

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

7 RESOLVED, That under section 8320 et seq. of the California Streets and Highway
8 Code, the Board of Supervisors hereby declares that it intends to order the vacation of the
9 Vacation Area as shown on SUR Map No. 2013-004, which is incorporated herein by
10 reference; and be it

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

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

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