

1 [Street Vacation - Portion of 19th Street Adjacent to and in Mission Dolores Park]

2

3 **Resolution declaring the intention of the Board of Supervisors to vacate a portion of**  
4 **19<sup>th</sup> Street located in Mission Dolores Park and at the western intersection of 19<sup>th</sup> and**  
5 **Dolores Streets adjacent to Mission Dolores Park; and setting the hearing date for all**  
6 **persons interested in the proposed vacation of said public right-of-way.**

7

8 WHEREAS, This vacation proceeding, for portion of the public right-of-way located on  
9 19<sup>th</sup> Street in Mission Dolores Park and at its western intersection with Dolores Street  
10 adjacent to Mission Dolores Park (Vacation Area), is conducted under the general vacation  
11 procedures of the Public Streets, Highways and Service Easements Vacation Law (California  
12 Streets and Highways Code Sections 8300 et seq.); and

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

17 WHEREAS, The location and extent of the Vacation Area is more particularly described  
18 on the Department of Public Works' SUR Map No. \_\_\_\_\_, dated \_\_\_\_\_,  
19 a copy of which is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_  
20 and incorporated herein by reference; and

21 WHEREAS, The Vacation Area comprises: (1) a portion of 19<sup>th</sup> Street that bisects  
22 Mission Dolores Park and (2) a portion of 19<sup>th</sup> Street that is located along the sidewalk  
23 bordering the eastern side of Mission Dolores Park on an area known as the "pad," which  
24 serves as a drop off and truck loading zone. Mission Dolores Park is bounded by Dolores  
25

1 Street on the east, Church Street on the west, 18<sup>th</sup> Street on the north, and 20<sup>th</sup> Street on the  
2 south. A formerly vacated portion of 19<sup>th</sup> Street bisects the Park; and

3 WHEREAS, The Recreation and Park Department seeks a transfer of the Vacation  
4 Area from the Department of Public Works to Recreation and Park Department jurisdiction;  
5 and

6 WHEREAS, The vacation of the Vacation Area will provide flexibility to the Recreation  
7 and Park Department to enhance opportunities for food service as a supplement to the Park's  
8 uses; and

9 WHEREAS, On \_\_\_\_\_, the Planning Department determined that the  
10 Vacation was categorically exempt under the California Environmental Quality Act. Said  
11 determination is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_  
12 and is incorporated herein by reference; and

13 WHEREAS, On \_\_\_\_\_, the City Planning Department found that the  
14 street vacation and other actions contemplated herein were consistent with the General Plan  
15 and the eight priority policies of Planning Code Section 101.1. A copy of this letter is on file  
16 with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated by  
17 reference as though fully set forth herein; and

18 WHEREAS, In DPW Order No. \_\_\_\_\_, dated \_\_\_\_\_, the Director of the  
19 Department of Public Works (DPW Director) determined: (a) the Vacation Area is  
20 unnecessary for the City's present or prospective public street, sidewalk, and service  
21 easement purposes; (b) jurisdictional transfer of the Vacation Area from the Department of  
22 Public Works to the Recreation and Park Department at no cost, subject to use conditions, is  
23 a policy matter for the Board; and (c) there are no physical public or private utilities affected by  
24 the vacation of the Vacation Area. A copy of the DPW Order is on file with the Clerk of the  
25 Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference; and

1           WHEREAS, The DPW Director recommends that the public interest, convenience, and  
2 necessity require that no easements or other rights be reserved for any public or private  
3 utilities or facilities that are in place in such Vacation Area and that any rights based upon any  
4 such public or private utilities or facilities should be extinguished; and

5           WHEREAS, Pursuant to the California Streets and Highways Code Section 892, the  
6 DPW Director also finds that the Vacation Area is currently not necessary for non-motorized  
7 transportation, though the former sidewalk portion of the Vacation Area, once incorporated  
8 into Mission Dolores Park, would be available for non-motorized transportation; now,  
9 therefore, be it

10           RESOLVED, That under California Streets and Highway Code Sections 8320 et seq.,  
11 the Board of Supervisors hereby declares that it intends to order the vacation of the Vacation  
12 Area, as shown on SUR Map No. \_\_\_\_\_, and adopt the recommendations of the DPW  
13 Director and the findings of the Planning Department; and, be it

14           FURTHER RESOLVED, That notice is hereby given that on the \_\_\_\_ day of  
15 \_\_\_\_\_, beginning at approximately \_\_\_\_ P.M. in the Legislative  
16 Chamber of the Board of Supervisors, all persons interested in or objecting to the proposed  
17 vacation will be heard; and, be it

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

23  
24  
25