

1 [Motion To Hold Public Hearing On Adopting A Resolution Of Necessity For Eminent Domain  
2 Action]

3 **Motion directing the Board of Supervisors to hold a public hearing on January 14, 2002,**  
4 **at 3:00 p.m., to consider adopting a Resolution of Necessity in connection with a**  
5 **proposal to acquire by eminent domain a temporary construction easement on**  
6 **easterly portions of 155 Fifth Street in Assessor's Block 3724, Lot 066, in San**  
7 **Francisco, for completing construction of the Moscone Center Expansion Project.**  
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9 WHEREAS, The Department of Public Works has proposed the acquisition of a  
10 temporary construction easement for easterly portions of 155 Fifth Street, in Assessor's Block  
11 3724, Lot 066 ("the Burdened Property"), by the City and County of San Francisco for  
12 completing construction of the Moscone Center Expansion Project ("the Project"); and,  
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14 WHEREAS, Section 1245.235 of the Code of Civil Procedure requires that a public  
15 hearing be held by the full Board of Supervisors to make a finding that there is or is not a  
16 public interest and necessity for the City and County of San Francisco to acquire the  
17 temporary construction easement on the Burdened Property, that the temporary construction  
18 easement is planned and located in a manner that will be most compatible with the greatest  
19 public good and the least private injury, that the temporary construction easement sought to  
20 be acquired is necessary for the project and that the City has made the offer required by  
21 California Government Code Section 7267.2 to the owner and lessee of record of the  
22 property; now, therefore, be it

23 MOVED, That it is the intention of this Board of Supervisors to hold a public hearing of  
24 the full Board of Supervisors to consider adopting a resolution to acquire the temporary  
25 construction easement by eminent domain; and be it

1 FURTHER MOVED, This public hearing is being set in such a manner that a minimum  
2 of fifteen (15) days notice shall be given to each person whose name and address appears on  
3 the last equalized San Francisco County assessment roll notice for the Burdened Property on  
4 which the temporary construction easement is to be acquired; and, be it

5 FURTHER MOVED, Said public hearing is to be held in accordance with Section  
6 1245.235 of the Code of Civil Procedure and notice is hereby given that on the 7th day of  
7 January, 2002, beginning at 3:00 p.m., the Board of Supervisors will hold such public hearing;  
8 and, be it  
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10 FURTHER MOVED, At the public hearing, each person whose name and address  
11 appears on the last equalized county assessment role notice for the Burdened Property on  
12 which the temporary construction easement is to be acquired and who has filed a written  
13 request to appear within fifteen (15) days after the notice was mailed to them by first class  
14 mail may appear and be heard at the public hearing on whether the public interest and  
15 necessity require the City and County of San Francisco to acquire the subject temporary  
16 construction easement, the temporary construction easement is planned or located in the  
17 manner that will be most compatible with the greatest public good and least private injury, the  
18 temporary construction easement sought to be acquired is necessary for the Project, and the  
19 City has made the offer required by California Government Code Section 7267.2 to the owner  
20 and lessee of record of the Burdened Property. The procedure requires that the resolution to  
21 acquire the temporary construction easement by eminent domain be made by a two-thirds  
22 vote of all the members of the Board of Supervisors present or not; and, be it  
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1           FURTHER MOVED, A do pass or not pass vote of the Resolution captioned  
2    “AUTHORIZING ACQUISITION OF A TEMPORARY CONSTRUCTION EASEMENT FOR  
3    EASTERLY PORTIONS OF 155 FIFTH STREET, ALL IN SAN FRANCISCO ASSESSOR’S  
4    BLOCK 3724, LOT 066, BY EMINENT DOMAIN, FOR THE MOSCONE CENTER  
5    EXPANSION PROJECT,” on file with the Clerk of the Board of Supervisors in  
6    File No.                   , which is hereby declared to be a part of this motion as if set forth fully  
7    herein, is to be made at the close of the public hearing.

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