

FILE NO. 081161

ORDINANCE NO. 248-08

1 [Mission Bay North-Acceptance of Land and Improvements for Block N2.]

2
3 Ordinance accepting the Mission Bay Block N2 Public Improvements on Third, Fourth,
4 Berry, and King Streets; approving the dedication of the strips of land along the west
5 side of Third Street, East Side of Fourth Street, North side of Berry Street and South
6 Side of King Street for right-of-way purposes; designating street grades and sidewalk
7 widths; accepting the irrevocable offer for the acquisition facilities for public use and
8 maintenance purposes; adopting environmental findings and findings that such
9 actions are consistent with the City's General Plan, eight priority policy findings of
10 City's Planning Code section 101.1, and the Mission Bay North Redevelopment Plan;
11 accepting Department of Public Works Order No. 177,778; and authorizing official
12 acts in connection with this ordinance.

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14 Note: Additions are single-underline italics Times New Roman;
15 deletions are ~~striketrough italics Times New Roman~~.
16 Board amendment additions are double underlined.
Board amendment deletions are ~~striketrough normal~~.

17 Be it ordained by the People of the City and County of San Francisco:

18 Section 1. Findings.

19 (a) The San Francisco Redevelopment Agency, in a letter dated August ²¹22, 2008,
20 determined that the acceptance of the Mission Bay Block N2 Public Improvements
21 constructed pursuant to Permit No. 01IE-143, dated April 23, 2001 (the "Project"), and other
22 actions herein set forth are consistent with the Mission Bay North Redevelopment Plan
23 ("Plan") and Plan Documents described therein. A copy of the Redevelopment Agency letter
24 is on file with the Clerk of the Board of Supervisors in File No. 081161 and is
25 incorporated by reference as though fully set forth herein.

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(b) The San Francisco Redevelopment Agency on October ~~25~~, 2007 signed and accepted the FOCIL-MB, LLC Conditional Assignment of Warranties and Guaranties. A copy of the Assignment is on file with the Clerk of the Board of Supervisors in File No. 081161 and is incorporated by reference as though fully set forth herein.

(c) The City Planning Department, in a letter dated July 9, 2008 determined that the acceptance of the Project and other actions herein set forth are within the scope of the General Plan consistency findings of Case No. 2008-0631R the eight priority policies of Planning Code Section 101.1 and the contemplated actions do not trigger the need for subsequent environmental review pursuant the California Environmental Quality Act (CEQA) (California Public Resources Code Sections 21000 et seq.). A copy of the Planning Department letter is on file with the Clerk of the Board of Supervisors in File No. 081161 and is incorporated by reference as though fully set forth herein.

(d) In DPW Order No. ~~177,776~~, dated July 16, 2008 the Director of the Department of Public Works and the City Engineer certified that: the Project has been inspected and were certified as complete on MARCH 2, 2007; the Project has been constructed in accordance with the Project Plans and Specifications and all City codes, regulations, standards and Mission Bay North Plan and Plan Documents governing this project; such improvements are ready for their intended use; and the acquisition facilities are recommended for formal acceptance and acceptance for maintenance purposes. A copy of the DPW Order is on file with the Clerk of the Board of Supervisors in File No. 081161 and is incorporated by reference as though fully set forth herein.

(e) All capitalized terms relating to Mission Bay shall have the terms ascribed to them pursuant to the Mission Bay North Plan and Plan Documents approved and adopted by the Board of Supervisors of the City and County of San Francisco by Ordinance No. 327-98 ~~335-98~~, on November 2, 1998, a copy of which is in Clerk of the Board of Supervisors File No. 981440.

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1 Section 2. Adoptions and Approvals.

2 (a) The Board of Supervisors adopts as its own the consistency findings of the San
3 Francisco Redevelopment Agency in connection with the acceptance of Project and other
4 actions set forth herein.

5 (b) The Board of Supervisors adopts as its own the consistency findings and CEQA
6 findings of the Planning Department in connection with the Project.

7 (c) The Board of Supervisors has reviewed and approves the Director of the
8 Department of Public Works recommendation concerning the acceptance of the FOCIL-MB,
9 LLC irrevocable offer of the Project dated October 25, 2007 and maintenance responsibility
10 with respect thereto.

11 Section 3. Acceptance of Offer of Improvements.

12 (a) Pursuant to San Francisco Administrative Code Sections 1.51 et seq., the
13 Acquisition Agreement dated June 1, 2001 by and between the Redevelopment Agency of the
14 City and County of San Francisco and Catellus Land Development Corporation with respect to
15 Project, and the Department of Public Works Order No. 177,778 dated July 16,
16 2008, the Board of Supervisors hereby accepts the irrevocable offer of the Project dated
17 October 25, 2007 and designates such facilities for public use and maintenance purposes,
18 subject to the conditions listed in subsection (b).

19 (b) The Board of Supervisors acceptance of improvements pursuant to Subsection (a)
20 is for the Project only. The accepted improvements are subject to the FOCIL-MB, LLC
21 warranty obligations under the Block N2 Public Improvements Permit No. 01IE-143.

22 (c) The Board of Supervisors hereby acknowledges FOCIL-MB, LLC conditional
23 assignment of all guaranties and warranties related to the construction of the above
24 improvements.

1 Section 4. Acceptance of Land.

2 The Board of Supervisors approves the grant deed of Parcel A Lot 5, Parcel B Lot
3 6 and Parcel C Lot 7 to the City for right-of-way and roadway purposes and hereby authorizes
4 the Director of Real Estate to execute said instrument.

5 Section 5. Right-of-Way Dedication and Acceptance for Maintenance and Liability.

6 The Board of Supervisors approves Map No. A-17-_____ dated
7 _____, 2008 designating those portions of Third Street, Fourth Street, Berry Street
8 and King Street shown hatched on said Map No. A-17-_____ to be an open public right-of-
9 way dedicated for roadway purposes and accepted for maintenance and liability purposes;
10 and hereby directs the Department of Public Works to revise the Official City Street Right-of-
11 Way Maps in accordance with this Ordinance.

12 Section 6. Acceptance of Street Grades.

13 Notwithstanding California Streets and Highways Code Sections 8000 et seq., the
14 Board of Supervisors, in accordance with San Francisco Administrative Code Sections 1.51 et
15 seq., chooses to follow its own procedures for the establishment of street grades and hereby
16 accepts and designates the street grades for that portion of Third Street as set forth in the
17 Department of Public Works Order No. 177,776 _____, Drawing No. Q-20-_____, dated
18 _____, 2008 and hereby directs the Department of Public Works to revise
19 the Official City Street Grade Maps in accordance with this Ordinance.

20 Section 7. Designation of Sidewalks.

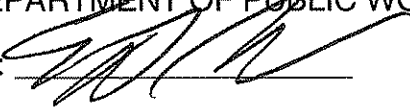
21 (a) In accordance with the recommendation in Department of
22 Public Works Order No. 177,778 _____ the Board of Supervisors hereby designates the
23 sidewalk width of 12.00 feet for those portions of Third Street, Fourth Street, Berry Street and
24 King Street along Assessor's Block 8706 as shown on Department of Public Works Drawing
25 No. Q-20_____, dated _____, 2008.

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(b) The street sidewalk widths designated by the Board pursuant to Subsection (a) for those portions of Third Street, Fourth Street, Berry Street and King Street along Assessor's Block 8706 does not obviate, amend, alter, or in any other way affect the maintenance obligations of the adjacent property owners.

(c) The Board of Supervisors hereby directs the Department of Public Works to add these sidewalk segments to its Official City Maps in accordance with this Ordinance.

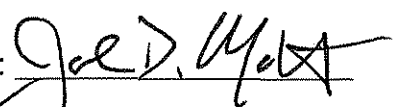
Section 8. All actions heretofore taken by the officers of the City with respect to such Ordinance are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board, Director of Property, and Director of Public Works are hereby authorized and directed to take any and all actions which they or the City Attorney may deem necessary or advisable in order to effectuate the purpose and intent of this Ordinance, including, but not limited to, the filing of the Ordinance in the Official Records of the City and County of San Francisco and recordation of the Grant Deed.

RECOMMENDED:
DEPARTMENT OF PUBLIC WORKS
By: 
Edward D. Reiskin
Director of Public Works

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APPROVED AS TO FORM:

Dennis J. Herrera
City Attorney

By: 
John D. Malamut
Deputy City Attorney

DESIGNATION CERTIFIED BY:

DEPARTMENT OF PUBLIC WORKS

By: 
James Chia
Acting City Engineer



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 081161

Date Passed:

Ordinance accepting the Mission Bay Block N2 Public Improvements on Third, Fourth, Berry, and King Streets; approving the dedication of the strips of land along the west side of Third Street, East Side of Fourth Street, North side of Berry Street and South Side of King Street for right-of-way purposes; designating street grades and sidewalk widths; accepting the irrevocable offer for the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 177,778; and authorizing official acts in connection with this ordinance.

October 21, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

October 28, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

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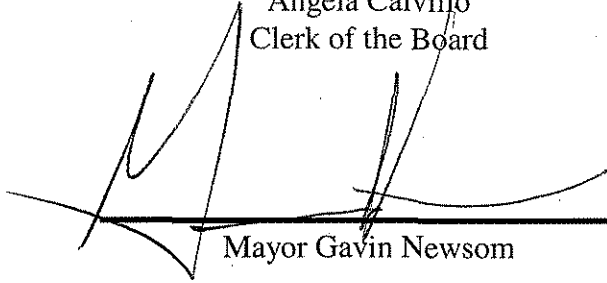
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on October 28, 2008
by the Board of Supervisors of the City and
County of San Francisco.



Angela Calvillo
Clerk of the Board

11/7/2008

Date Approved



Mayor Gavin Newsom