

FILE NO. 080511

RESOLUTION NO.

1 [Hunters Point Shipyard- Resolution of Intent for Street Vacation.]

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3 **Resolution declaring the intention of the Board of Supervisors to vacate portions of**  
4 **Innes Avenue, Galvez Avenue and Donahue Street, in Hunters Point Shipyard Parcel**  
5 **“A1” along with public service easements that may exist in Parcel A1, all of Navy Road**  
6 **on Hunters Point Shipyard Parcel “A2” along with public service easements that may**  
7 **exist in Parcel A2; vacate any easements that may exist between the vacated areas in**  
8 **Parcel “A1” and “A2” as described in Ordinance No. 24-05; reserve a non-exclusive**  
9 **easement for the City combined sewer pipeline and appurtenant facilities within Navy**  
10 **Road; setting a hearing date of for all persons interested in the proposed vacation of**  
11 **said street areas and public service easements.**

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13 WHEREAS, This vacation proceeding for portions of Innes Avenue, Galvez Avenue,  
14 Donahue Street in portions of Hunters Point Shipyard Parcel “A1”, all of Navy Road in a  
15 portion of Hunters Point Shipyard Parcel “A2” and public service easements that may exist on  
16 Parcels A1 and A2 (collectively, the "Vacation Area"), is conducted under the general vacation  
17 procedures of the Public Streets, Highways and Service Easements Vacation Law (California  
18 Streets and Highways Code sections 8300 et seq.); and,

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

23 WHEREAS, The location and extent of the Vacation Area is more particularly described  
24 on the Department of Public Works' SUR Map Nos. 5008, 6008, 7008 and

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1 8008, dated April 8, 2008, copies of such maps are on file with the Clerk of the Board of  
2 Supervisors in File No. \_\_\_\_\_; and,

3 WHEREAS, The vacation of the Vacation Area is part of an action to implement the  
4 Hunters Point Shipyard Redevelopment Plan; and,

5 WHEREAS, In DPW Order No. 177,478, dated March 24, 2008, a copy of which  
6 is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_, the Director of  
7 the Department of Public Works determined: (i) the Vacation Area is no longer necessary for  
8 the City's present or prospective future public street and sidewalk and public service  
9 easement purposes, (ii) In accordance with Streets and Highways Code Section 892 and  
10 8314, the right-of-ways and parts thereof proposed for vacation are no longer useful as a  
11 nonmotorized transportation facility, as defined in Section 887, because the design of Phase 1  
12 of the Hunters Point Shipyard Redevelopment Plan contains new facilities for bicycle and  
13 pedestrian movement that are equal to or in excess of what may currently exist, (iii) the  
14 proposed quitclaim of public right-of-way is consistent with the Hunters Point Shipyard  
15 Redevelopment Plan, (iv) the value of such exchange for future public right-of-way and other  
16 public benefits is equal or in favor of the City, and (v) there are no physical public utility  
17 facilities within the Vacation Area except for a City combined sewer line within Navy Road;  
18 and,

19 WHEREAS, The public interest, convenience and necessity require that the City  
20 reserve from the vacation of the Vacation Area solely the following: (i) non-exclusive  
21 easement for sewer purposes for the benefit of the City for a City combined sewer pipeline  
22 and facilities thereto in, upon, over and under that certain portion of the Vacation Area in  
23 which their respective in-place and functioning facilities are located, to the extent necessary to  
24 maintain, operate, repair and remove existing lines of pipe and other convenient structures,  
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1 equipment and fixtures for the City utilities, together with reasonable access to the foregoing  
2 facilities for the purposes set forth above.

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

5 WHEREAS, To facilitate the vacation of any easements that may exist between the  
6 vacated areas in Parcel "A1" and "A2" as described in Ordinance No. 24-05, a copy of which  
7 is on file with the Clerk of the Board of Supervisors in File No. 041542 and is incorporated  
8 herein by reference;

9 WHEREAS, The United States Navy has rights for ingress and egress purposes for  
10 pedestrian, vehicular and other access to connect other parcels in the Shipyard as reserved in  
11 Quitclaim Deed recorded on December 3, 2004 at Reel I776, Image 0207 as Document No.  
12 2004-H861241-00, Official Records of the City and County of San Francisco, and corrected by  
13 Quitclaim Deed recorded on March 31, 2005 in Reel I858, Image 0396 as Document No.  
14 2005-H930323, Official Records. The Street Vacation does not affect the access rights of the  
15 Navy; and,

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

20 RESOLVED, That under sections 8320 et seq. of the California Streets and Highway  
21 Code, the Board of Supervisors hereby declares that it intends to order the vacation of the  
22 Vacation Area as shown on the SUR Map No. 5008, 6008, 7008 and 8008 which are  
23 incorporated herein by reference; and, be it

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1 FURTHER RESOLVED, That notice is hereby given that on the 8th day of July, 2008,  
2 beginning at approximately 4:00 PM. in the Legislative Chambers of the Board of Supervisors,  
3 all persons interested in or objecting to the proposed vacation will be heard; and, be it

4 FURTHER RESOLVED, That the San Francisco Board of Supervisors adopts as its  
5 own and incorporates by reference herein as though fully set forth, the Department of Public  
6 Works, Order No. 177,478, findings, including among other things, that the Vacation Area is  
7 no longer necessary for the City's use for public street and sidewalk purposes and, in  
8 accordance with Streets and Highways Code Section 892 and 8314, the right-of-ways and  
9 parts thereof proposed for vacation are no longer useful as a nonmotorized transportation  
10 facility, as defined in Section 887, because the design of Phase 1 of the Hunters Point  
11 Shipyard Redevelopment Plan contains new facilities for bicycle and pedestrian movement  
12 that are equal to or in excess of what may currently exist and that there are no physical public  
13 or private utility facilities within the Vacation Area to be vacated except a City combined sewer  
14 line; and, be it

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

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21 RECOMMENDED:  
22 DEPARTMENT OF PUBLIC WORKS

RECOMMENDED:  
DIRECTOR OF PROPERTY

23 By: \_\_\_\_\_  
24 Edward D. Reiskin  
25 Director of Public Works

By: \_\_\_\_\_  
Amy L. Brown  
Director of Property