

1 [Hunters Point Shipyard – Street Vacation Order.]

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3 **Ordinance ordering the vacation of portions of McKinnon Avenue, La Salle Avenue,**
4 **Kirkwood Avenue, Jerrold Avenue, Innes Avenue, Hudson Avenue, Boalt Street,**
5 **Coleman Street, Donahue Street, and Earl Street in Hunters Point Shipyard Parcel “A-1”**
6 **and Oakdale Avenue, Newcomb Avenue, McKinnon Avenue, La Salle Avenue, Fitch**
7 **Street, and Earl Street in Hunters Point Shipyard Parcel “A-2” along with public service**
8 **easements in the aforementioned locations in the Hunters Point Shipyard; making**
9 **environmental findings and findings of consistency with the City's General Plan,**
10 **Planning Code Section 101.1, and the Hunters Point Redevelopment Plan; quitclaiming**
11 **the City's interest in the vacation areas; reserving easement rights for various utilities,**
12 **including SBC, Pacific Gas and Electric Company, and the City; accepting Department**
13 **of Public Works Order No. _____; and authorizing official acts in connection with**
14 **this Ordinance.**

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16 Note: Additions are single-underline italics Times New Roman;
17 deletions are ~~strikethrough italics Times New Roman~~.
18 Board amendment additions are double underlined.
19 Board amendment deletions are ~~strikethrough normal~~.

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

20 Section 1. Findings.

21 (a) On _____, 2005, the Board of Supervisors adopted Resolution
22 No. _____, a copy of which is on file with the Clerk of the Board of Supervisors in
23 File No. _____, being a Resolution declaring its intention to order the vacation of
24 portions of McKinnon Avenue, La Salle Avenue, Kirkwood Avenue, Jerrold Avenue, Innes
25 Avenue, Hudson Avenue, Boalt Street, Coleman Street, Donahue Street, and Earl Street in

1 portions of Hunters Point Shipyard Parcel "A-1" and Oakdale Avenue, Newcomb Avenue,
2 McKinnon Avenue, La Salle Avenue, Fitch Street, and Earl Street in Hunters Point Shipyard
3 Parcel "A-2" and public service easements in the aforementioned locations of the Hunters
4 Point Shipyard (collectively, the "Vacation Area"). The location and extent of the Vacation
5 Area is shown on the Department of Public Works' SUR Map No. _____, dated
6 _____, 2004, a copy of such map is on file with the Clerk of the Board of
7 Supervisors in File No. _____ and is incorporated herein by reference.

8 (b) The Clerk of the Board of Supervisors did transmit to the Director of the
9 Department of Public Works a certified copy of the Resolution of Intention, and the Director of
10 the Department of Public Works did cause notice of adoption of such Resolution to be posted
11 and published in the manner required by law.

12 (c) When such matter was considered as scheduled by the Board of Supervisors at its
13 regular meeting held in the City Hall, San Francisco, on _____, 2005,
14 beginning at approximately 2:00 P.M., the Board heard all persons interested in such
15 vacation.

16 (d) The vacation of the Vacation Area is part of an action to implement the Hunters
17 Point Shipyard Redevelopment Plan.

18 (e) In accordance with the actions contemplated herein, this Board adopted
19 Resolution No. _____, concerning findings pursuant to the California Environmental Quality
20 Act (California Public Resources Code sections 21000 et seq.). A copy of said Resolution is
21 on file with the Clerk of the Board of Supervisors in File No. _____ and is
22 incorporated herein by reference.

23 (f) On _____, 2004, the Planning Commission adopted Resolution No.
24 _____, making findings of consistency with the General Plan and the eight priority
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1 policies of Planning Code Section 101.1 for the various actions, including the actions
2 contemplated herein. A copy of this Resolution is on file with the Clerk of the Board of
3 Supervisors in File No. _____. and is incorporated by reference as though fully set
4 forth herein. The Board of Supervisors adopts as its own said consistency findings.

5 (g) In a letter dated _____, 2004 (the "Agency Letter"), the Redevelopment
6 Agency found the vacation of the Vacation Area and other actions in furtherance thereof, are
7 "consistent with Hunters Point Shipyard Redevelopment Plan, described therein, and
8 recommends Board of Supervisors approval". A copy of the Agency Letter is on file with the
9 Clerk of the Board of Supervisors in File No. _____ and is incorporated by reference
10 as though fully set forth herein. The Board of Supervisors adopts as its own the consistency
11 findings of the Agency Letter.

12 (g) In DPW Order No. _____, dated _____, 2004, a copy of which is on file
13 with the Clerk of the Board of Supervisors in File No. _____, the Director of the
14 Department of Public Works and the City Engineer determined: (i) the Vacation Area is no
15 longer necessary for the City's present or prospective future public street and sidewalk and
16 public service easement purposes, (ii) the proposed quit claim of easement rights is
17 consistent with the Hunters Point Shipyard Redevelopment Plan, (iii) the value of such
18 exchange for future public right-of-way and public utilities is equal or in favor of the City, and
19 (iv) there are no physical public utility facilities within the Vacation Area except for SBC for
20 telecommunications purposes; PG&E for power and gas transmission purposes; and various
21 City utilities. A copy of the DPW Order is on file with the Clerk of the Board of Supervisors in
22 File No. _____. The Board of Supervisors adopts as its own and incorporates by
23 reference herein as if fully set forth, the recommendations of the Director of the Department of
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1 Public Works and the City Engineer as set forth in DPW Order No. _____ concerning
2 the vacation of the Vacation Area and other actions in furtherance thereof.

3 (h) The vacation of the Vacation Area is being taken pursuant to California Streets and
4 Highways Code sections 8300 et seq. and Public Works Code section 787(a).

5 (i) From all the evidence submitted at the public hearing noticed in the Resolution No.
6 _____ and the associated materials on file with the Clerk of the Board in File No. _____,
7 the Board of Supervisors finds that the Vacation Area, as described in said Resolution, is no
8 longer necessary for the City's use for public streets, subject to the reservations and
9 conditions described in this Ordinance.

10 (j) The public interest, convenience and necessity require that the City reserve from
11 the vacation of the Vacation Area solely the following: (i) non-exclusive easement(s) for the
12 benefit of SBC; (ii) non-exclusive easement(s) for the benefit of PG&E; and (iii) non-exclusive
13 easement(s) for the benefit of various City utilities, in, upon, and over that certain portion of
14 the Vacation Area in which their respective in-place and functioning facilities are located or to
15 be located in the future as shown on said SUR Map No. _____ to the extent necessary to
16 maintain, operate, repair and remove existing lines of pipe, conduits, cables, wires, poles, and
17 other convenient structures, equipment and fixtures for the operation of SBC for
18 telecommunications facilities; PG&E for power and gas transmission purposes; and various
19 City utilities, together with reasonable access to the foregoing facilities for the purposes set
20 forth above. The public interest, convenience and necessity require, except as specifically
21 provided in this Ordinance above, that no other easements or other rights be reserved for any
22 public utility facilities that are in place in such Vacation Area and that any rights based upon
23 any such public utility facilities are extinguished.

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1 (k) The public interest and convenience require that the vacation be done as declared
2 in the Resolution No. .

3 Section 2. Except as set forth in Section 3 below, the Vacation Area is hereby ordered
4 vacated in the manner described in the Resolution No. and pursuant to California
5 Streets and Highways Code sections 8300 et seq. and Public Works Code section 787(a).

6 Section 3. The vacation of the Vacation Area is conditioned upon the reservation (i)
7 non-exclusive easement(s) for the benefit of SBC; (ii) non-exclusive easement(s) for the
8 benefit of PG&E; and (iii) non-exclusive easement(s) for the benefit of various City utilities, in,
9 upon, and over that certain portion of the Vacation Area in which their respective in-place and
10 functioning facilities are located or to be located in the future as shown on said SUR Map No.

11 to the extent necessary to maintain, operate, repair and remove existing lines of
12 pipe, conduits, cables, wires, poles, and other convenient structures, equipment and fixtures
13 for the operation of SBC for telecommunications facilities; PG&E for power and gas
14 transmission purposes; and various City utilities, together with reasonable access to the
15 foregoing facilities for the purposes set forth above.

16 Section 4. The Board of Supervisors hereby authorizes the Director of Property to
17 execute the following documents as provided therein:

18 (a) City quitclaim deed(s) to the San Francisco Redevelopment Agency for portions
19 of the Vacation Area; and

20 (b) City quitclaim of various easements to the respective private utilities for rights
21 reserved in the vacation on their behalf and reservation of easements on behalf of City
22 utilities.

23 Section 5. The Board of Supervisors hereby directs the Clerk of the Board of
24 Supervisors to transmit to the Director of Public Works a certified copy of this Ordinance, and
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1 the Board of Supervisors hereby urges the Director of Public Works to proceed in the manner
2 required by law. The Clerk of the Board is also hereby directed to transmit to the Director of
3 Public Works a certified copy of this Ordinance so that this Ordinance may be recorded
4 together with the other documents necessary to effectuate the Hunters Point Shipyard
5 Redevelopment Plan.

6 Section 6. All actions heretofore taken by the officers of the City with respect to this
7 Ordinance are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board,
8 Director of Property, and Director of Public Works are hereby authorized and directed to take
9 any and all actions which they or the City Attorney may deem necessary or advisable in order
10 to effectuate the purpose and intent of this Ordinance (including, without limitation, the filing of
11 the Ordinance in the Official Records of the City and County of San Francisco and
12 confirmation of satisfaction of any of the conditions to the effectiveness of the vacation of the
13 Vacation Area hereunder and conformation of the termination of any easements reserved
14 hereunder pursuant to Section 3 of this Ordinance and execution and delivery of any evidence
15 of the same, which shall be conclusive as to the satisfaction of such conditions upon signature
16 by any such City official or his or her designee).

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18 APPROVED AS TO FORM:
19 DENNIS J. HERRERA, City Attorney

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20 By: _____
21 John D. Malamut
22 Deputy City Attorney

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RECOMMENDED:
DEPARTMENT OF PUBLIC WORKS

RECOMMENDED:
DIRECTOR OF PROPERTY

By: _____
Edwin M. Lee
Director of Public Works

By: _____
Steve Legnitto
Director of Property

RECOMMENDED:
DEPARTMENT OF PUBLIC WORKS

By: _____
Robert Beck
City Engineer