

1 [Agreement with Caltrans for street construction at Fifth and King Streets intersection with
2 State Route 280.]

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4 **Resolution approving the Cooperative Agreement between the City and County of San**
5 **Francisco and the State of California Department of Transportation concerning the new**
6 **street construction for the King Street Westbound Frontage Road and ancillary**
7 **improvements at Fifth and King Streets intersection with State Route 280 and**
8 **authorizing official acts in furtherance thereof.**

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10 WHEREAS, The City and County of San Francisco (“City”) and the State of California
11 Department of Transportation (“Caltrans”) desire to construct the King Street Westbound
12 Frontage Road and ancillary improvements to the Fifth and King Streets intersection with
13 State Route 280 (“Improvements”); and,

14 WHEREAS, The City and Caltrans desire to effectuate an agreement that defines the
15 terms and conditions under which said Improvements are to be designed, constructed,
16 financed, and maintained (the “Cooperative Agreement”); and,

17 WHEREAS, Said Cooperative Agreement provides that the City will design, construct
18 and finance the Improvements and, once constructed and accepted by the City, the City will
19 maintain the Improvements, outside of the Caltrans Right-of-Way and Caltrans will maintain
20 the Improvements within the Caltrans Right-of-Way; and,

21 WHEREAS, The Improvements are part of the Redevelopment Plan for Mission Bay
22 North and under the Mission Bay North Owner Participation Agreement, FOCIL-MB, LLC, a
23 Delaware limited liability company (“FOCIL”) is responsible for design, constructions,
24 construction costs and one-year warranty of the Improvements; and,

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1 WHEREAS, FOCIL has completed design of the Improvements and the San Francisco
2 Department of Public Works (“DPW”) and Caltrans will approve said design; and,

3 WHEREAS, DPW will issue a Street Improvement Permit (the “Permit”) to construct the
4 Improvements. Said Permit contains a provision whereby FOCIL agrees to perform all work
5 and take on all responsibilities, liabilities, costs, construction oversight, and all other
6 obligations assigned to the City by the State in the Cooperative Agreement; and,

7 WHEREAS, The construction of the Improvements will provide and improve vehicular
8 and pedestrian flow in the area; and,

9 WHEREAS, DPW and Caltrans have reviewed and approved the Cooperative
10 Agreement. A copy of said Cooperative Agreement is on file with the Clerk of the Board of
11 Supervisors in File No. 061515 and is incorporated by reference as though fully set forth
12 herein; and,

13 WHEREAS, In DPW Order No.176,501, dated October 24, 2006, the Director of Public
14 Works recommended that the Board accept the Cooperative Agreement. A copy of said
15 Order is on file with the Clerk of the Board of Supervisors in File No. 061515 and is
16 incorporated by reference as though fully set forth herein; now, therefore, be it

17 RESOLVED, That the Board of Supervisors has reviewed DPW Order No. 176,501 and
18 accepts the DPW Director’s recommendation to approve the Cooperative Agreement with
19 Caltrans apportioning responsibilities for the Improvements in substantially the same form as
20 the Agreement attached hereto; and, be it

21 FURTHER RESOLVED, That the Board of Supervisors authorizes and directs the
22 Clerk of the Board and the DPW Director to take any and all actions which they or the City
23 Attorney may deem necessary or advisable in order to effectuate the purpose and intent of
24 this Resolution (including, without limitation, signing the aforementioned Cooperative
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1 Agreement and filing such document in the official records of the Department of Public
2 Works).

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4 RECOMMENDED:

RECOMMENDED:

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7 Fred V. Abadi, Ph.D.

Robert P. Beck

8 Director of Public Works

Deputy Director of Engineering, DPW

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