

1 [Public Hearing – Eminent Domain]

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3 **Motion directing the Board of Supervisors to hold a public hearing on October 7, 2003,**
4 **at 4:00 p.m. to consider adopting a resolution of necessity for the City’s proposed**
5 **acquisition by eminent domain for open space of Lot 001 in Assessor’s Block 0074, in**
6 **San Francisco.**

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8 WHEREAS, The Director of Planning in his letter dated August 15, 2003 found that the
9 acquisition of the Property is categorically exempt from environmental review under CEQA
10 and is consistent with the City’s General Plan and with the Eight Priority Policies of City
11 Planning Code Section 101.1; and, now, therefore, be it

12 MOVED, That it is the intention of the Board of Supervisors to hold a public hearing in
13 accordance with Section 1245.235 of the California Code of Civil Procedure by all of its
14 members to consider adopting a Resolution of Necessity (the “Resolution”) to acquire the
15 Property by eminent domain, and entitled “Authorizing acquisition of Lot 001 in Assessor’s
16 Block 0074, in San Francisco, by eminent domain for open space, and adopting findings
17 under Planning Code Section 101.1”; and, be it

18 FURTHER MOVED, That the public hearing will be set in such a manner that each
19 person whose name and address appears for the Property on the City’s last equalized tax
20 assessment roll of the City shall receive by first-class mail fifteen (15) days’ notice of the
21 public hearing, at which each person may appear and be heard on whether: (1) the public
22 interest and necessity require the acquisition of the Property by eminent domain; (2) the
23 acquisition of the Property by eminent domain is planned or located in the manner that will be
24 most compatible with the greatest public good and least private injury; (3) the Property is

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1 necessary for open space ; and (4) the City has made the offers to the owners of record of
2 the Property as required by California Government Code Section 7267.2; and, be it

3 FURTHER MOVED, That notice is hereby given that the Board will hold the public
4 hearing on the 7th day of October, 2003, beginning at 4:00 p.m., in the Legislative Chamber,
5 City Hall, Second Floor, 1 Dr. Carlton B. Goodlett Place, in the City; and, be it

6 FURTHER MOVED, That at the public hearing, each person whose name and address
7 appears for the Property on the City's last equalized tax assessment roll, and who, within
8 fifteen (15) days after the Notice was mailed, has filed with the Clerk of the Board a written
9 request to appear and be heard at the public hearing on the matters identified above, may do
10 so; and, be it

11 FURTHER MOVED, That the Resolution must be adopted by a two-thirds vote of all of
12 the members of the Board; and, be it

13 FURTHER MOVED, That at the close of the public hearing, the Board will vote to
14 decide whether to adopt or not to adopt the Resolution.

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