

1 [Street Vacation - James Alley - Chinese Hospital Improvements]

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3 **Ordinance ordering the street vacation of James Alley, generally bounded by**  
4 **Assessor's Block No. 0192 and Jackson Street, as part of improvements to the Chinese**  
5 **Hospital; approving a quitclaim of the City's interest in the vacation area pursuant to**  
6 **the terms and conditions of a Purchase and Sale Agreement between the City and**  
7 **County of San Francisco, as seller, and Chinese Hospital Association, as buyer;**  
8 **reserving various easement rights in favor of third party utilities and private property**  
9 **owners; affirming the Planning Department's determination under the California**  
10 **Environmental Quality Act; adopting findings that the actions contemplated in this**  
11 **legislation are consistent with the General Plan, and the eight priority policies of**  
12 **Planning Code, Section 101.1; and authorizing official acts in connection with this**  
13 **Ordinance.**

14 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
15 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
16 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
17 **Board amendment additions** are in double-underlined Arial font.  
18 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
19 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
20 subsections or parts of tables.

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

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24 Section 1. Findings.

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(a) California Street and Highways Code Sections 8300 et seq. and San Francisco  
Public Works Code Section 787(a) set forth the procedures that the City and County of San  
Francisco follows to vacate public streets and public service easements.

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1 (b) The Board of Supervisors finds it appropriate to pursue a street vacation of a  
2 remaining portion of James Alley, south of Jackson Street and surrounded by Assessor's  
3 Block 0192 and Jackson Street as part of improvements to the Chinese Hospital.

4 (c) The location and extent of the area to be vacated (the "Vacation Area") is more  
5 particularly shown on Public Works ("PW") SUR Map No. 2015-003, dated October 15, 2015.  
6 A copy of this map is on file with the Clerk of the Board of Supervisors in File No. 160153 and  
7 is incorporated herein by reference.

8 (d) On March 8, 2016, the Board of Supervisors adopted Resolution No. 071-16 (the  
9 "Resolution of Intention"), being a resolution declaring the intention of the Board of  
10 Supervisors to vacate James Alley, generally bounded by Assessor's Block 0192 and Jackson  
11 Street. A copy of this Resolution is on file with the Clerk of the Board of Supervisors in File  
12 No. 160105.

13 (e) The Clerk of the Board of Supervisors did transmit to the Director of Public Works  
14 ("PW Director") a certified copy of the Resolution of Intention, and the PW Director did cause  
15 notice of adoption of such resolution to be posted and the Clerk of the Board of Supervisors  
16 published notice, both in the manner required by law.

17 (f) When such matter was considered as scheduled by the Board of Supervisors at its  
18 regular meeting held in the San Francisco City Hall, on March 8, 2016, the Board heard public  
19 testimony about the vacation of the Vacation Area.

20 (g) In PW Order No. 184660, dated March 1, 2016, on file with the Clerk of the Board  
21 of Supervisors in File No. 160153 the PW Director determined (1) the Vacation Area is  
22 unnecessary for the City's present or prospective public street, sidewalk, and service  
23 easement purposes; and (2) with exception of those noted in Section 3 of this ordinance for  
24 AT&T-California and Assessor's Block 0192 Lot 039, the public interest, convenience, and  
25 necessity do not require any easements or other rights be reserved for any public or private

1 utility facilities that are in place in the Vacation Area and that any rights based upon any such  
2 public or private utility facilities shall be extinguished automatically upon the effectiveness of  
3 the vacation; and (3) it is a policy matter for the Board of Supervisors to quitclaim the City's  
4 interest in the Vacation Area to Chinese Hospital Association.

5 (h) The PW Director also recommends that the street vacation be conditioned on  
6 simultaneous recordation of the City's quitclaim deed for the Vacation Area in connection with  
7 consummation of the transaction contemplated in that certain Purchase and Sale Agreement  
8 dated March 2, 2016 between City, as seller, and Chinese Hospital Association, as buyer, for  
9 a purchase price of \$185,000 (the "Purchase Agreement"), as recommended by the Director  
10 of the Real Estate Division ("RED Director"), a copy of the Purchase Agreement is on file with  
11 the Clerk of the Board of Supervisors in File No. 160153 and incorporated herein by  
12 reference. The Board of Supervisors adopts as its own, the recommendations of the PW  
13 Director as set forth in PW Order No. 184660 concerning the vacation of the Vacation Area  
14 and other actions in furtherance thereof and the Board hereby incorporates such  
15 recommendations and findings by reference as though fully set forth herein.

16 (i) The RED Director determined that the proposed purchase price in the Purchase  
17 Agreement is reasonable and represents fair market value for the Vacation Area to be  
18 acquired by Chinese Hospital Association.

19 (j) The Board of Supervisors acknowledges the recommendation of the RED Director  
20 as referenced in the PW Order to approve the real estate transaction contemplated in this  
21 ordinance and as contemplated in the Purchase Agreement.

22 (k) In a letter dated November 26, 2014 (the "Planning Letter"), the City Planning  
23 Department determined that the proposed vacation of the Vacation Area and other actions  
24 contemplated herein are consistent with the General Plan and priority policies of the Planning  
25 Code, Section 101.1. A copy of said letter is on file with the Clerk of the Board of Supervisors

1 in File No. 160153 and is incorporated herein by reference as though fully set forth herein.  
2 The Board of Supervisors adopts as its own the consistency findings of the Planning Letter.

3 (l) Also in the Planning Letter, the Planning Department has determined that the  
4 actions contemplated in this ordinance comply with the California Environmental Quality Act  
5 (California Public Resources Code Sections 21000 et seq.). The Board hereby affirms this  
6 determination. Said determination is on file with the Clerk of the Board of Supervisors in File  
7 No. 160153 and is incorporated herein by reference.

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9 Section 2. Vacation and Conditions.

10 (a) With the exception of the reservations in Section 3 below, the Board of Supervisors  
11 hereby vacates the Vacation Area, as shown on SUR Map No. 2015-003, upon satisfaction of  
12 the conditions described in this ordinance and pursuant to California Street and Highways  
13 Code Sections 8300 et seq. and San Francisco Public Works Code Section 787(a).

14 (b) The Board of Supervisors finds that the Vacation Area is unnecessary for present  
15 or prospective public use, subject to the conditions described in this ordinance.

16 (c) The public interest and convenience require that the vacation be done as declared  
17 in this ordinance.

18 (d) The Street Vacation shall be effective as to all of the Vacation Area upon  
19 simultaneous recording of the City's quitclaim deed in substantially the same form as the draft  
20 quitclaim deed on file with the Clerk of the Board of Supervisors in File No. 160153, and in  
21 connection with the closing of the transaction contemplated in the Purchase Agreement.

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23 Section 3. The vacation of the Vacation Area is conditioned upon the reservation of the  
24 following easement rights:

1 (a) Excepting and reserving therefrom, pursuant to the provision of California Street  
2 and Highways Code Section 8340, for the benefit of Pacific Bell Telephone Company (dba  
3 AT&T-California), its successors and assigns, the permanent easement and right at any time  
4 or from time to time to construct, maintain, operate, replace, remove, renew, and enlarge pipe,  
5 conduits, cable, wires, and other convenient structures, equipment and fixtures for the  
6 operation of telegraphic and telephone lines and other communication facilities, including  
7 access and the right to keep the property free from flammable materials and wood growth,  
8 and otherwise protect the same from all hazards, in, upon, over, and across that portion of  
9 James Alley so vacated and abandoned.

10 (b) Excepting and reserving therefrom, pursuant to California Street and Highways  
11 Code Section 8340, for the benefit of the property at 821-823 Jackson Street, also known as  
12 Assessor's Block 0192 Lot 039, the permanent easement for pedestrian access and an  
13 easement and right at any time or from time to time to construct, maintain, operate, replace,  
14 remove, renew, and enlarge pipe, conduits, cable, wires, and other convenient structures,  
15 equipment and fixtures for the operation of PG&E gas meters, including access and the right  
16 to keep the property free from flammable materials and wood growth, and otherwise protect  
17 the same from all hazards, in, upon, over, and across that portion of James Alley so vacated  
18 and abandoned.

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20 Section 4. Real Property Transaction.

21 (a) The Board approves the execution, delivery, and performance of the Purchase  
22 Agreement, and the RED Director or his or her designee is hereby authorized to execute the  
23 Purchase Agreement, in substantially the form of Agreement referenced herein, on behalf of  
24 the City, and any such other documents that are necessary or advisable to complete the  
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1 transaction contemplated by the Purchase Agreement and effectuate the purpose and intent  
2 of this ordinance.

3 (b) The Board of Supervisors authorizes the RED Director to enter into any  
4 amendments or modifications to the Purchase Agreement (including, without limitation, the  
5 attached exhibits) that the RED Director, in consultation with the City Attorney, deems to be in  
6 the best interest of the City, do not otherwise materially increase the obligations or liabilities of  
7 the City, are necessary or advisable to effectuate the purposes of the Purchase Agreement,  
8 and are in compliance with all applicable laws, including City's Charter.

9 (c) The RED Director also is authorized to issue a quit claim deed of the City's interest  
10 in the Vacation Area to Chinese Hospital Association in substantially the same form as on file  
11 with the Clerk of the Board of Supervisors in connection with closing the transaction  
12 contemplated in the Purchase Agreement, and to take any and all steps (including, but not  
13 limited to, the execution and delivery of any and all certificates, agreements, notices,  
14 consents, escrow instructions, closing documents and other instruments or documents) as the  
15 RED Director deems necessary or appropriate to consummate the conveyance of the  
16 Vacation Area pursuant to the Purchase Agreement, or to otherwise effectuate the purpose  
17 and intent of this ordinance.

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19 Section 5. Official Acts in Connection with the Ordinance.

20 (a) All actions heretofore taken by the officers of the City with respect to this  
21 ordinance are hereby approved, confirmed, and ratified, and the Mayor, Clerk of the Board,  
22 RED Director, County Surveyor, and PW Director are hereby authorized and directed to take  
23 any and all actions which they or the City Attorney may deem necessary or advisable in order  
24 to effectuate the purpose and intent of this ordinance (including, without limitation, the filing of  
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1 this ordinance in the Official Records of the City and County of San Francisco; confirmation of  
2 satisfaction of the conditions to the effectiveness of the vacation of the Vacation Area  
3 hereunder; and execution and delivery of any evidence of the same, which shall be conclusive  
4 as to the satisfaction of the conditions upon signature by any such City official or his or her  
5 designee).

6 (b) Upon the effectiveness of this vacation and the related real estate transaction, this  
7 ordinance shall be recorded.

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9 Section 6. Effective Date. This ordinance shall become effective 30 days after  
10 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
11 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
12 of Supervisors overrides the Mayor's veto of the ordinance.

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14 APPROVED AS TO FORM:  
15 DENNIS J. HERRERA, City Attorney

16 By: \_\_\_\_\_  
17 John D. Malamut  
Deputy City Attorney

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