

1 [Ordering the vacation of a portion of Bernal Heights Boulevard.]

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3 **Ordinance ordering the vacation of a portion of Bernal Heights Boulevard west of**  
4 **Moultrie Street; transferring jurisdiction from the Department of Public Works to the**  
5 **Recreation and Park Department; adopting environmental findings and findings that**  
6 **such actions are consistent with the City's General Plan and the Eight Priority Policies**  
7 **of Planning Code Section 101.1; and authorizing official acts in connection with this**  
8 **Ordinance.**

9  
10 Note: Additions are single-underline italics Times New Roman;  
11 deletions are ~~strikethrough italics Times New Roman~~.  
12 Board amendment additions are double underlined.  
Board amendment deletions are ~~strikethrough-normal~~.

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

14 Section 1. Findings.

15 (a) On August 9, 2005, the Board of Supervisors of the City and County of  
16 San Francisco (the "City") adopted Resolution No. 611-05 (the "Resolution of Intention"), a  
17 copy of which is on file with the Clerk of the Board of Supervisors in File No. 050852 and is  
18 incorporated by reference as though fully set forth herein, being a Resolution declaring the  
19 Board's intent to vacate a portion of Bernal Heights Boulevard west of Moultrie Street (the  
20 "Vacation Area") and transfer jurisdiction from the Department of Public Works to the  
21 Recreation and Park Department. The location and extent of the Vacation Area is shown in  
22 the Department of Public Works SUR Map No. 6004, dated March 17, 2005, a copy of which  
23 is on file with the Clerk of the Board of Supervisors in File No. 050852 and incorporated by  
24 reference as though fully set forth herein.

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

5 (c) When such matter was considered as scheduled by the Board of Supervisors at its  
6 regular meeting held in the City Hall, San Francisco, on \_\_\_\_\_, 2005, beginning at  
7 approximately \_\_\_\_\_ p.m., the Board heard all persons interested in such vacation.

8 (d) The vacation and jurisdictional transfer of the Vacation Area is being sought as part  
9 of the Bernal Heights Park ("Park") Project to improve the Park's entrance and pedestrian  
10 pathways and to increase the area of the Park.

11 (e) In a letter dated November 9, 2004 (the "Planning Department Letter") the City  
12 Planning Department determined that (i) the vacation and other actions in furtherance thereof,  
13 including, without limitation, the vacation of the Vacation Area, is, on balance, in conformity  
14 with the General Plan and Planning Code Section 101.1 and (ii) the actions contemplated in  
15 this Ordinance are in compliance with the California Environmental Quality Act (California  
16 Public Resources Code Sections 21000 et seq.). A copy of the Planning Department Letter is  
17 on file with the Clerk of the Board of Supervisors in File No. 050852 and is incorporated by  
18 reference as though fully set forth herein. The Board adopts as its own the Planning  
19 Department's determination under the California Environmental Quality Act and consistency  
20 findings as set forth in the Planning Department Letter in connection with the vacation of the  
21 Vacation Area and other actions in furtherance thereof.

22 (f) In a letter dated March 17, 2005 (the "DPW Letter"), the Department of Public  
23 Works found that: (i) the Vacation Area is no longer necessary for the City's present or  
24 prospective future street purposes, and (ii) there are no physical public utility facilities within  
25 the Vacation Area. A copy of the DPW Letter is on file with the Clerk of the Board of

1 Supervisors in File No. 050852 and is incorporated by reference as though fully set forth  
2 herein. The Board of Supervisors adopts as its own the recommendations of the Department  
3 of Public Works as set forth in the DPW Letter concerning the vacation of the Vacation Area  
4 and other actions in furtherance thereof.

5 (g) The vacation of the Vacation Area is being taken pursuant to California Streets and  
6 Highways Code Sections 8300 et seq. and Public Works Code Sections 787(a). In addition,  
7 the vacation is consistent with the policy directive of Public Works Code Section 787(b)  
8 concerning vacation of certain streets in Bernal Heights as the property will be compatible with  
9 open space use.

10 (h) From all the evidence submitted at the public hearing noticed in the Resolution of  
11 Intention and the materials on file with the Clerk of the Board of Supervisors in File No.  
12 the Board of Supervisors finds that the Vacation Area, as described in such Resolution, is no  
13 longer necessary for the City's use as a public street.

14 (i) The public interest and convenience require that the vacation be done as declared  
15 in the Resolution of Intention.

16 Section 2. The Vacation Area is hereby ordered vacated in the manner described in  
17 the Resolution of Intention and pursuant to California Streets and Highways Code Sections  
18 8300 et seq. and Public Works Code Section 787(a).

19 Section 3. Notwithstanding the procedures set forth in Administrative Code Sections  
20 23.10 et seq. concerning interdepartmental transfers of property, this Board hereby transfers  
21 jurisdiction of the Vacation Area from the Department of Public Works to the Recreation and  
22 Park Department.

23 Section 4. 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  
25

1 the Board of Supervisors hereby urges the Director of Public Works to proceed in the manner  
2 required by law.

3 Section 5. All actions heretofore taken by the officers of the City with respect to this  
4 Ordinance are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board,  
5 Director of Property, Director of Public Works, and General Manager of the Recreation and  
6 Park Department are hereby authorized and directed to take any and all actions which they or  
7 the City Attorney may deem necessary or advisable in order to effectuate the purpose and  
8 intent of this Ordinance (including, without limitation, the filing of the Ordinance in the Official  
9 Records of the City and County of San Francisco and confirmation of satisfaction of any of the  
10 conditions to the effectiveness of the vacation of the Vacation Area hereunder).


11  
12 RECOMMENDED:  
13 DEPARTMENT OF PUBLIC WORKS

14 By:   
15 Edwin M. Lee  
16 Director of Public Works

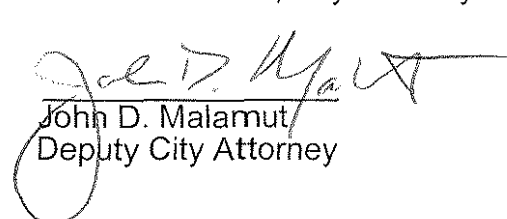
RECOMMENDED:  
DIRECTOR OF PROPERTY

By:   
Steve Legnitto  
Director of Property

17 RECOMMENDED:  
18 DEPARTMENT OF PUBLIC WORKS

19 By:   
20 Robert E. Beck  
21 Deputy Director of Engineering

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

By:   
John D. Malamut  
Deputy City Attorney

22 RECOMMENDED:  
23 RECREATION AND PARK DEPARTMENT

24 By:   
25 Yomi Agunbiade  
Acting General Manager



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails Ordinance

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**File Number:** 050852

**Date Passed:**

Ordinance ordering the vacation of a portion of Bernal Heights Boulevard west of Moultrie Street; transferring jurisdiction from the Department of Public Works to the Recreation and Park Department; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the Eight Priority Policies of Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance.

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August 9, 2005 Board of Supervisors — CONTINUED

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick,  
Mirkarimi, Peskin, Sandoval  
Excused: 1 - Ammiano

September 13, 2005 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick,  
Mirkarimi, Peskin, Sandoval  
Noes: 1 - Ma

September 20, 2005 Board of Supervisors — FINALLY PASSED

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi,  
Peskin, Sandoval  
Noes: 1 - Ma  
Excused: 1 - Elsbernd

File No. 050852

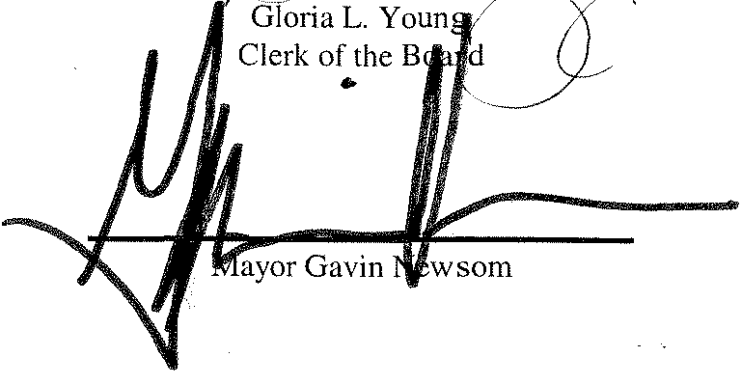
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on September 20, 2005 by the Board of Supervisors of the City and County of San Francisco.

9/30/05

Date Approved



Gloria L. Young  
Clerk of the Board



Mayor Gavin Newsom