

## **PUBLIC UTILITIES COMMISSION**

City and County of San Francisco

RESOLUTION NO. 19-0179

WHEREAS, In 1959, the City the acquired the ten-foot wide public utility easement (Easement) in Block 2923 for the construction, installation, maintenance, repair, and replacement of water lines, sewers, and public utilities, pursuant to a Grant Deed recorded on January 14, 1959 in the Official Records as Document No. H48733, a copy of which is on file with the Commission Secretary; and

WHEREAS, In 2006, the City approved Parcel Map No. 2773 (Parcel Map), which subdivided former Lot 035 of Block 2923 into two lots. The Parcel Map was recorded on July 5, 2006 in the Official Records in Book 46 of Parcel Maps at page 184; and

WHEREAS, Since the City's acquisition of the Easement, the SFPUC has not constructed any water and sewer infrastructure or related facilities in, on, or under the Easement; and

WHEREAS, One of the two lots subject to the Easement is located at 112 Kensington Way, San Francisco, California (Burdened Property), and currently owned by Eugene and Diana Yesin (together, the Owners); and

WHEREAS, The Owners of the Burdened Property now request a vacation of the Easement (Proposed Vacation) to facilitate the replacement or improvement of an existing single-family dwelling, and the Proposed Vacation is shown on the draft Public Works SUR Map, dated March 7, 2017; and

WHEREAS, The SFPUC's Water, Power and Wastewater Enterprises have confirmed that the SFPUC has no foreseeable future need for the Easement area; and

WHEREAS, The San Francisco Department of Public Works (Public Works) has advised the SFPUC Real Estate Services (RES) staff that there are no in-place public utility facilities within the Easement; and

WHEREAS, Although the SFPUC does not have an exclusive right or jurisdiction over this public utility easement, because the SFPUC has a right to use the Easement, Public Works is seeking the SFPUC's consent to the proposed vacation; and

WHEREAS, The Owners will pay to the City fair market value of the Easement as determined by the Director of Property as consideration for the vacation of the Easement on the Burdened Property, which will be paid into the City's general fund because this is a public utility easement that was granted to the City generally and that is not specifically dedicated to the SFPUC's use or under the SFPUC's jurisdiction; and

WHEREAS, Under Section 8333 of the California Streets and Highways Code, a local agency may summarily vacate a public service easement when: (a) the Easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation; (b) the Easement has been determined to be excess by the Easement holder; and (c) there are no other public facilities located within the Easement; and

WHEREAS, Section 8334.5 of the California Streets and Highways Code allows a summary vacation if there are no in-place utility facilities that are in use and would be affected by the vacation; and

WHEREAS, The proposed vacation does not constitute a project under the California Environmental Quality Act (CEQA) and the CEQA Guidelines under Section 15378 because there would be no change to the physical environment; now, therefore, be it

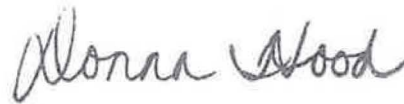
RESOLVED, That this Commission hereby consents to the Proposed Vacation; and, be it

FURTHER RESOLVED, That this Commission hereby consents to Public Works, together with the City's Real Estate Division, and in consultation with the City Attorney, proceeding with the Proposed Vacation; and, be it

FURTHER RESOLVED, That this Commission hereby consents and agrees that monetary consideration for the Proposed Vacation to be paid by the Owners shall be deposited into the City's general fund; and, be it

FURTHER RESOLVED, That this Commission hereby approves and authorizes any actions necessary or advisable to effectuate the purposes and intent of the Proposed Vacation or this resolution; and that such actions comply with all applicable laws, including the City Charter.

*I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of September 10, 2019.*



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Secretary, Public Utilities Commission