

1 [Street Vacation Order - Quint Street Railroad Crossing Improvement Project - Quint Street,  
2 McKinnon Avenue, and Newcomb Avenue]

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4 **Ordinance ordering the vacation of portions of Quint Street, McKinnon Avenue, and**  
5 **Newcomb Avenue as part of the Quint Street Railroad Crossing Improvement Project;**  
6 **quitclaiming the City’s interest in the vacation areas to the Peninsula Corridor Joint**  
7 **Powers Board; reserving easement rights for the benefit of the City for its utilities;**  
8 **accepting a Department of Public Works Order concerning the street vacation; and**  
9 **authorizing official acts in connection with this Ordinance, making environmental**  
10 **findings, and findings of consistency with the General Plan, and the eight priority**  
11 **policies of Planning Code, Section 101.1.**

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

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

20 Section 1. Findings

21 (a) On May 6, 2014, the Board of Supervisors adopted Resolution No. 145-14, a  
22 copy of which is on file with the Clerk of the Board of Supervisors in File No. 140452, being a  
23 Resolution declaring its intention to order the vacation of portions of Quint Street, McKinnon  
24 Avenue and Newcomb Avenue (collectively, the “Vacation Area”); reserving an easement for  
25 the benefit of the City for a water pipeline serving the SFPUC. The location and extent of the  
Vacation Area is shown on the Department of Public Works SUR Map No. 2013-005, a copy

1 of said map is on file with the Clerk of the Board of Supervisors in File No. 140452 and is  
2 incorporated herein by reference.

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

7 (c) When such matter was considered as scheduled by the Board of Supervisors at  
8 its regular meeting held in the City Hall, San Francisco, on June 3, 2014, at 3:00 PM, the  
9 Board heard all persons interested in such vacation.

10 (d) The vacation of the Vacation Area is part of an action to implement the Quint  
11 Street Railroad Crossing Improvement Project.

12 (e) In accordance with the actions contemplated herein, the Board adopted  
13 Resolution No. 145-14, concerning findings pursuant to the California Environmental Quality  
14 Act (California Public Resources Code sections 21000 et seq.). A copy of said Resolution is  
15 on file with the Clerk of the Board of Supervisors in File No. 140452 and is incorporated herein  
16 by reference.

17 (f) In a letter dated June 24, 2013 (the "Planning letter"), the City Planning  
18 Department determined that the proposed vacation and other actions contemplated herein are  
19 consistent with the General Plan and priority policies of the Planning Code, Section 101.1. A  
20 copy of said letter is on file with the Clerk of the Board of Supervisors in File No. 140452 and  
21 is incorporated herein by reference as though fully set forth herein. The Board of Supervisors  
22 adopts as its own the consistency findings of the Planning Letter.

23 (g) In the undated draft DPW Order, a copy of which is on file with the Clerk of the  
24 Board of Supervisors in File No.140452 and incorporated herein by reference, the Director of  
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1 Public Works determined : (1) the Vacation Area is no longer necessary for the City's present  
2 or prospective future public street and sidewalk purposes; (2) in accordance with Streets and  
3 Highways Code, Section 892 and 8314, the right-of-way and parts thereof proposed for  
4 vacation are no longer useful as a non-motorized transportation facility, as defined in Section  
5 887, because there are multiple streets surrounding the Vacation Area that remain available  
6 for such transportation and those members of the public availing themselves of non-motorized  
7 transportation will not be inconvenienced by the proposed street vacation; (3) the value of the  
8 right-of-way to be quitclaimed is negligible, and of no greater value than those rights  
9 previously quitclaimed at no cost to the City by the JPB in relation to an adjacent but unrelated  
10 development project; and (4) there are no physical public or private utility facilities within the  
11 Vacation Area except for SFPUC's waterline for which an easement shall be reserved. The  
12 Board of Supervisors adopts as its own and incorporates by reference herein as if fully set  
13 forth, the recommendations of the Director of the Department of Public Works as set forth in  
14 the undated draft DPW Order concerning the vacation of the Vacation Area, reservation of an  
15 easement, and other actions in furtherance thereof.

16 (h) The vacation of the Vacation Area is being taken pursuant to California Streets  
17 and Highways Code, Section 8300 et seq. and Public Works Code, Section 787(a).

18 (i) From all the evidence submitted at the public hearing noticed in the Resolution  
19 No. 145-14 and the associated materials on file with the Clerk of the Board in File No. 140452,  
20 the Board of Supervisors finds that the Vacation Area, as described in said Resolution, is no  
21 longer necessary for the City's use for public streets or as bicycle transportation facilities as  
22 defined in Streets and Highways Code, Section 890, et seq., subject to the reservation of  
23 easement rights in favor of SFPUC for City utilities and other conditions described in this  
24 Ordinance.

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1 (j) The public interest, convenience and necessity require that the City reserve from  
2 the vacation of the Vacation Area an exclusive easement for city utilities in, upon and under  
3 that certain portion of the Vacation area as described in the DPW Order, in which their  
4 respective in-place and functioning utilities are located, to the extent necessary to maintain,  
5 operate, repair and remove existing lines of pipe and other convenient structures, equipment  
6 and fixtures for the SFPUC waterline facility, together with reasonable access to the foregoing  
7 facilities for the purposes set forth above. The public interest, convenience and necessity  
8 does not require that the City reserve from the vacation of the Vacation Area any other  
9 easements except as mentioned above.

10 (k) The public interest and convenience require that the vacation be done as  
11 declared in the Resolution No. 145-14.

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13 Section 2. Except as set forth in Section 3 below, the Vacation Area, as shown on  
14 SUR Map No. 2013-005 is hereby ordered vacated in the manner described in the Resolution  
15 No. 145-14, as modified herein, and pursuant to California Streets and Highways Code  
16 Sections 8300 et seq. and Public Works Code section 787(a).

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18 Section 3. The vacation of the Vacation Area is conditioned upon the reservation of an  
19 exclusive easement to SFPUC for the benefit of the City for a waterline facility in, upon and  
20 under that certain portion of the Vacation Area, in which its in-place and functioning facilities  
21 are located, to the extent necessary to maintain, operate, repair and remove existing lines of  
22 pipe and other convenient structures, equipment and fixtures for the operation of the City's  
23 waterline, together with reasonable access to the foregoing facilities for the purposes set forth  
24 above.

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1           Section 4. The Board of Supervisors hereby authorizes the Director of Property to a  
2 quitclaim deed to the JPB for the Vacation Area, including therein the reservation of the  
3 exclusive easement for the benefit of the City for waterline purposes.

4           Section 5. The Board of Supervisors hereby directs the Clerk of the Board of  
5 Supervisors to transmit to the Director of Public Works a certified copy of this Ordinance, and  
6 the Board of Supervisors hereby urges the Director of Public Works to proceed in the manner  
7 required by law. The Clerk of the Board also is hereby directed to transmit to the Director of  
8 Public Works a certified copy of this Ordinance so that this Ordinance may be recorded  
9 together with any other documents necessary to effectuate this Ordinance.

10          Section 6. The Board of Supervisors hereby authorize and direct the Clerk of the  
11 Board, Director of Property, and the Director of Public Works to take any and all actions which  
12 they or the City Attorney may deem necessary or advisable in order to effectuate the purpose  
13 and intent of this Ordinance (including, without limitation, the filing of the Ordinance in the  
14 Official Records of the City and County of San Francisco and confirmation of satisfaction of  
15 any of the conditions to the effectiveness of this vacation of the Vacation Area hereunder and  
16 confirmation of the granting of the easement reserved hereunder pursuant to Section 3 of his  
17 Ordinance and execution and delivery of any evidence of the same, which shall be conclusive  
18 as to the satisfaction of such conditions upon signature by any such City official or his or her  
19 designee).

20          Section 7. Effective Date. This Ordinance shall become effective 30 days after  
21 enactment. Enactment occurs when the Mayor signs the Ordinance, the Mayor returns the  
22 Ordinance unsigned, or does not sign the Ordinance within ten days of receiving it, or the  
23 Board of Supervisors overrides the Mayor's veto of the Ordinance.

1 APPROVED AS TO FORM:  
2 DENNIS J. HEERRERA, City Attorney

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4 By: \_\_\_\_\_  
5 John D. Malamut  
6 Deputy City Attorney

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