

1 [Mission Bay 16th/7th Street Jack and Bore Casing Improvements]

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3 **Ordinance accepting the irrevocable offer for the 16th/7th Street Jack and Bore Casing**
4 **Improvements; designating said facilities for public use and maintenance purposes;**
5 **adopting findings that such actions are consistent with the City’s General Plan, eight**
6 **priority policy findings of City’s Planning Code section 101.1, and the Mission Bay**
7 **South Redevelopment Plan; accepting Department of Public Works Order No. 174,027;**
8 **and authorizing official acts in connection with this ordinance.**

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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.
13 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) The San Francisco Redevelopment Agency, in a letter dated March 20, 2003,
16 determined that the acceptance of 16th/7th Street Jack and Bore Casing improvements
17 constructed pursuant to Permit No. 01IE-480, dated October 12, 2001 (the “Project”), and
18 other actions herein set forth are consistent with the Mission Bay South Redevelopment Plan
19 (“Plan”) and Plan Documents described therein. A copy of the Redevelopment Agency letter
20 is on file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated
21 by reference as though fully set forth herein.

22 (b) The San Francisco Redevelopment Agency on March 20, 2003 signed and
23 accepted the Catellus Conditional Assignment of Warranties and Guaranties. A copy of the
24 Assignment is on file with the Clerk of the Board of Supervisors in File No. _____ and is
25 incorporated by reference as though fully set forth herein.

1 (c) The City Planning Department, in a letter dated January 21, 2003 determined that
2 the acceptance of said 16th/7th Street Jack and Bore Casing improvements and other actions
3 herein set forth are within the scope of the General Plan consistency findings of Case No.
4 96.771R, the eight priority policies of Planning Code Section 101.1 and the contemplated
5 actions do not trigger the need for subsequent environmental review pursuant the California
6 Environmental Quality Act (CEQA) (California Public Resources Code Sections 21000 et
7 seq.). A copy of the Planning Department letter is on file with the Clerk of the Board of
8 Supervisors in File No. _____ and is incorporated by reference as though fully set
9 forth herein.

10 (d) In DPW Order No. 174,027, dated March 24, 2003, the Director of the Department
11 of Public Works and the City Engineer certified that said 16th/7th Street Jack and Bore Casing
12 improvements have been inspected and were certified as complete on March 12, 2003 and
13 that the Project has been constructed in accordance with the Project Plans and Specifications
14 and all City codes, regulations, standards and Mission Bay South Plan and Plan Documents
15 governing this project, that such improvements are ready for their intended use and the
16 Project is recommended for formal acceptance of acquisition facilities and acceptance for
17 maintenance purposes. A copy of the DPW Order is on file with the Clerk of the Board of
18 Supervisors in File No. _____ and is incorporated by reference as though fully set
19 forth herein.

20 (e) All capitalized terms relating to Mission Bay shall have the terms ascribed to them
21 pursuant to the Mission Bay South Plan and Plan Documents approved and adopted by the
22 Board of Supervisors of the City and County of San Francisco by Ordinance No. 335-98, on
23 November 2, 1998, a copy of which is in Clerk of the Board of Supervisors File No. _____.

24 Section 2. Adoptions and Approvals.
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1 (a) The Board of Supervisors adopts as its own the consistency findings of the San
2 Francisco Redevelopment Agency in connection with the acceptance of 16th/7th Street Jack
3 and Bore Casing improvements and other actions set forth herein.

4 (b) The Board of Supervisors adopts as its own the consistency findings and CEQA
5 findings of the Planning Department in connection with the 16th/7th Street Jack and Bore
6 Casing project.

7 (c) The Board of Supervisors has reviewed and approves the City Engineer
8 certification and Director of the Department of Public Works recommendation concerning the
9 acceptance of the Catellus irrevocable offer of the 16th/7th Street Jack & Bore Casing
10 improvements and ancillary facilities dated January 24, 2003, and maintenance responsibility
11 with respect thereto.

12 Section 3. Acceptance of Offer of Improvements.

13 (a) Pursuant to San Francisco Administrative Code Sections 1.51 et seq., the
14 Acquisition Agreement dated June 1, 2001 by and between the Redevelopment Agency of the
15 City and County of San Francisco and Catellus Development Corporation with respect to
16 16th/7th Street Jack and Bore Casing Acquisition Facilities, and the Department of Public
17 Works Order No. 174,027, dated March 20, 2003, the Board of Supervisors hereby accepts
18 Catellus Development Corporation's irrevocable offer of the 16th/7th Street Jack & Bore
19 Casing improvements and ancillary facilities dated May 28, 2003 and designates such
20 facilities for public use and maintenance purposes, subject to the conditions listed in
21 subsection (b).

22 (b) The Board's acceptance of improvements pursuant to Subsection (a) are for the
23 16th/7th Street Jack & Bore Casing improvements and ancillary facilities only, excluding
24 therefrom those portions of the improvements which are identified on the as built drawings
25 delivered to and on file with the City as "Pacific Bell, CDX-4 and AT&T" facilities. The

1 accepted improvements are subject to the Catellus Development Corporation's warranty
2 obligations under the 16th Street / 7th Street Jack and Bore Casing project permit No. 01IE-
3 480.

4 (c) The Board of Supervisors hereby acknowledges Catellus' Conditional Assignment
5 of all guaranties and warranties related to the construction of the above improvements.

6 (d) The Director of Public Works is authorized to take formal possession of
7 unassigned, unused or unsold conduits for purposes of marketing said facilities, directly or
8 indirectly, to appropriate utilities or other participants. The procedures under which the
9 Director implements this plan shall be the subject of a MOA to be developed between the City
10 and SFRA. Such MOA shall include the ability for the Director to operate and maintain said
11 facilities and to forward proceeds of any transaction to the Community Facilities District
12 (CCSF CFD #6), in accordance with the Acquisition Agreement to be added to the Acquisition
13 Funds. The MOA shall also provide for reimbursement from CFD #6 of any reasonable and
14 appropriate costs incurred by the Director for the management of such facilities until leased or
15 sold.

16 Section 4. All actions heretofore taken by the officers of the City with respect to such
17 Ordinance are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board,
18 Director of Property, and Director of Public Works are hereby authorized and directed to take
19 any and all actions which they or the City Attorney may deem necessary or advisable in order
20 to effectuate the purpose and intent of this Ordinance, including, but not limited to, the filing of
21 the Ordinance in the Official Records of the City and County of San Francisco.

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RECOMMENDED:
DEPARTMENT OF PUBLIC WORKS

By: _____
EDWIN M. LEE
Director of Public Works

APPROVED AS TO FORM:
DENNIS J. HERRERA
City Attorney

By: _____
JOHN D. MALAMUT
Deputy City Attorney

DESIGNATION CERTIFIED BY:
DEPARTMENT OF PUBLIC WORKS

By: _____
HARLAN L. KELLY, JR.
City Engineer