

1 [Mission Bay South-Acceptance of Land and Improvements for the 7th and 16th Street
2 Intersection.]

3 **Ordinance accepting the dedication for public street and roadway purposes of the two**
4 **(2) portions of properties adjacent to 16th Street and accepting the irrevocable offer for**
5 **the 7th and 16th Street Intersection Infrastructure Improvements; designating street**
6 **grades and accepting the irrevocable offer for the acquisition facilities for public use**
7 **and maintenance purposes; adopting environmental findings and findings that such**
8 **actions are consistent with the City’s General Plan, eight priority policy findings of**
9 **City’s Planning Code section 101.1, and the Mission Bay South Redevelopment Plan;**
10 **accepting Department of Public Works Order No. 177,604; and authorizing official acts**
11 **in connection with this ordinance.**

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14 Note: Additions are single-underline italics Times New Roman;
15 deletions are ~~strikethrough italics Times New Roman~~.
16 Board amendment additions are double underlined.
17 Board amendment deletions are ~~strikethrough normal~~.

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

19 Section 1. Findings.

20 (a) The San Francisco Redevelopment Agency, in a letter dated May 27, 2008,
21 determined that the acceptance of the 7th and 16th Street Intersection Infrastructure
22 Improvements constructed pursuant to Permit No. 04IE-600, dated September 21, 2004 (the
23 “Project”), and other actions herein set forth are consistent with the Mission Bay South
24 Redevelopment Plan ("Plan") and Plan Documents described therein. A copy of the
25 Redevelopment Agency letter is on file with the Clerk of the Board of Supervisors in File No.
080857 and is incorporated by reference as though fully set forth herein

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(b) The San Francisco Redevelopment Agency on October 17, 2007 signed and accepted the Catellus Conditional Assignment of Warranties and Guaranties. A copy of the Assignment is on file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated by reference as though fully set forth herein.

(c) The City Planning Department, in a letter dated May 16, 2008 determined that the acceptance of said 7th and 16th Street Intersection Infrastructure Improvements and other actions herein set forth are within the scope of the General Plan consistency findings of Case No. 96.771R, the eight priority policies of Planning Code Section 101.1 and the contemplated actions do not trigger the need for subsequent environmental review pursuant the California Environmental Quality Act (CEQA) (California Public Resources Code Sections 21000 et seq.). A copy of the Planning Department letter is on file with the Clerk of the Board of Supervisors in File No. 080857 and is incorporated by reference as though fully set forth herein.

(d) In DPW Order No. 177,604, dated June 4, 2008 the Director of the Department of Public Works and the City Engineer certified that said 7th and 16th Street Intersection Infrastructure Improvements have been inspected and were certified as complete on May 21, 2007 and that the Project has been constructed in accordance with the Project Plans and Specifications and all City codes, regulations, standards and Mission Bay South Plan and Plan Documents governing this project, that such improvements are ready for their intended use and the Project is recommended for formal acceptance of acquisition facilities and acceptance for maintenance purposes. A copy of the DPW Order is on file with the Clerk of the Board of Supervisors in File No. 080604 and is incorporated by reference as though fully set forth herein.

1 (e) All capitalized terms relating to Mission Bay shall have the terms ascribed to them
2 pursuant to the Mission Bay South Plan and Plan Documents approved and adopted by the
3 Board of Supervisors of the City and County of San Francisco by Ordinance No. 335-98, on
4 November 2, 1998, a copy of which is in Clerk of the Board of Supervisors File No. 981441.

5 Section 2. Adoptions and Approvals.

6 (a) The Board of Supervisors adopts as its own the consistency findings of the San
7 Francisco Redevelopment Agency in connection with the acceptance of 7th and 16th Street
8 Intersection Infrastructure Improvements and other actions set forth herein.

9 (b) The Board of Supervisors adopts as its own the consistency findings and CEQA
10 findings of the Planning Department in connection with the 7th and 16th Street Intersection
11 Infrastructure Improvement project.

12 (c) The Board of Supervisors has reviewed and approves the City Engineer
13 certification and Director of the Department of Public Works recommendation concerning the
14 acceptance of the Catellus irrevocable offer of the 7th and 16th Street Intersection
15 Infrastructure Improvements and ancillary facilities dated October 19, 2007, and maintenance
16 responsibility with respect thereto.

17 Section 3. Acceptance of Offer of Improvements.

18 (a) Pursuant to San Francisco Administrative Code Sections 1.51 et seq., the
19 Acquisition Agreement dated June 1, 2001 by and between the Redevelopment Agency of the
20 City and County of San Francisco and Catellus Development Corporation with respect to 7th
21 and 16th Street Intersection Acquisition Facilities, and the Department of Public Works Order
22 No. 177,604 dated June 4, 2008, the Board of Supervisors hereby accepts Catellus
23 Development Corporation's irrevocable offer of the 7th and 16th Street Intersection
24 Improvements and ancillary facilities dated May 28, 2003 and designates such facilities for
25 public use and maintenance purposes, subject to the conditions listed in subsection (b).

1 (b) The Board's acceptance of improvements pursuant to Subsection (a) are for the
2 7th/16th Street Intersection Infrastructure Improvements and ancillary facilities only. The
3 accepted improvements are subject to the Catellus Development Corporation's warranty
4 obligations under the 7th Street Intersections Infrastructure project permit No. 04IE-600.

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

7 Section 4.

8 The Board of Supervisors accepts the grant deed of that certain strip of land as described in
9 the Offer of Dedication, recorded on October 11, 2001 as Document No. 2001-H037879 in
10 Reel H990, Image 354, Official Records of the City and County of San Francisco, to the City
11 for additional right-of-way and roadway purposes and hereby authorizes the Director of Real
12 Estate to execute said instrument.

13 a) The Board of Supervisors approves Map No. A-17-_____ dated June
14 6, 2008 designating those portions of 16th Street, shown hatched on said A-17 Map to be an
15 open public right-of-way dedicated for roadway purposes and hereby directs the Department
16 of Public Works to revise the Official City Street Right-of-Way Maps in accordance with this
17 Ordinance.

18 Section 5. Acceptance of Street Grades

19 Notwithstanding California Streets and Highways Code Sections 8000 et seq., the Board of
20 Supervisors, in accordance with San Francisco Administrative Code Sections 1.51 et seq.,
21 chooses to follow its own procedures for the establishment for street grades and hereby
22 accepts and designates the street grades for that portion of 16th Street as set forth in the
23 Department of Public Works Drawing No. Q-20_____ date June 6, 2008 and hereby
24 directs the Department of Public Works to revise the Official City Street Grade Maps in
25 accordance with this Ordinance.

1 Section 6. All actions heretofore taken by the officers of the City with respect to such
2 Ordinance are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board,
3 Director of Property, and Director of Public Works are hereby authorized and directed to take
4 any and all actions which they or the City Attorney may deem necessary or advisable in order
5 to effectuate the purpose and intent of this Ordinance, including, but not limited to, the filing of
6 the Ordinance in the Official Records of the City and County of San Francisco.

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8 RECOMMENDED:
9 DEPARTMENT OF PUBLIC WORKS

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11 By: _____
12 Edward D. Reiskin
13 Director of Public Works

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15 APPROVED AS TO FORM:
16 DENNIS J. HERRERA
17 City Attorney

DESIGNATION CERTIFIED BY:
DEPARTMENT OF PUBLIC WORKS

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19 By: _____
20 JOHN D. MALAMUT
21 Deputy City Attorney

By: _____
James Chia
Acting City Engineer

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