

1 [Motion to Hold Public Hearing on Adopting a Resolution to Acquire Property by Eminent
2 Domain]

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4 **Motion directing the Board of Supervisors to hold a public hearing on November 24,**
5 **2009, with the Board sitting as a committee of the whole, to consider adopting a**
6 **Resolution of Necessity to authorize acquisition of subsurface tunnel easements in real**
7 **property in Alameda County and San Mateo County, consisting of portions of Alameda**
8 **County Assessor's Parcels 537-0551-028, 537-0551-020 and 537-0551-021-01 in the City**
9 **of Newark, Alameda County Assessor's Parcel 537-0852-002-08 in the City of Fremont,**
10 **San Mateo County Assessor's Parcels 063-590-060 and 096-230-110 in the City of Menlo**
11 **Park, and in real property owned by San Mateo County Transit District in the City of**
12 **Menlo Park, located east of University Avenue between Assessor's Parcels 093-600-010**
13 **and 063-590-060, by eminent domain, for the public purpose of constructing the Public**
14 **Utilities Commission Water System Improvement Program-Funded Project CUW36801,**
15 **Bay Division Pipeline Reliability Upgrade - Tunnel; adopting environmental findings**
16 **under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and**
17 **Administrative Code Chapter 31, and adopting findings of consistency with the General**
18 **Plan and under City Planning Code Section 101.1.**

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20 WHEREAS, On October 27, 2009 the Public Utilities Commission (PUC) adopted
21 Resolution No. 09-0176 in which the PUC found that the acquisition by eminent domain of the
22 interests in real property consisting of Alameda County Assessor's Parcels 537-0551-028,
23 537-0551-020 and 537-0551-021-01 in the City of Newark, Alameda County Assessor's
24 Parcel 537-0852-002-08 in the City of Fremont, located in the County of Alameda, and in real
25 property consisting of San Mateo County Assessor's Parcels 063-590-060 and 096-230-110

1 in the City of Menlo Park, and in real property owned by San Mateo County Transit District in
2 the City of Menlo Park, located east of University Avenue between Assessor's Parcels
3 093-600-010 and 063-590-060 in the County of San Mateo ("Property"), is necessary for
4 construction of the Water System Improvement Program-Funded Project CUW36801, Bay
5 Division Pipeline Reliability Upgrade - Tunnel Project ("Project"), and that failure to acquire the
6 Property and construct the Project would substantially impair the ability of the PUC to meet
7 the adopted Water Supply Improvement Program (WSIP) levels of service of seismic and
8 delivery reliability for water supply to customers in San Mateo County and the City and County
9 of San Francisco; and,

10 WHEREAS, Section 1245.235 of the Code of Civil Procedure requires that a public
11 hearing be held by the Board of Supervisors sitting as a committee of the whole to make a
12 finding that there is or is not a public interest and necessity for the City and County of San
13 Francisco to acquire the Property for construction of the Project, that the Project is planned
14 and located in a manner that will be most compatible with the greatest public good and the
15 least private injury, that the Property to be acquired is necessary for the Project and that the
16 City has made the offer(s) required by California Government Code Section 7267.2 to the
17 owner(s) of record of the property; now, therefore, be it

18 MOVED, That it is the intention of this Board of Supervisors to hold a public hearing of
19 the full Board of Supervisors to consider adopting a resolution to acquire the Property by
20 eminent domain; and be it

21 FURTHER MOVED, This public hearing is being set in such a manner that a minimum
22 of fifteen (15) days notice shall be given to each person whose name and address appears on
23 the last equalized County assessment roll notice in the County for the Property to be acquired;
24 and, be it

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1 FURTHER MOVED, Said public hearing is to be held in accordance with Section
2 1245.235 of the Code of Civil Procedure and notice is hereby given that on the 24th day of
3 November, 2009, at 3:00 p.m. the Board of Supervisors will hold such public hearing; and, be
4 it

5 FURTHER MOVED, At the public hearing, each person whose name and address
6 appears on the last equalized county assessment role notice for the Property to be acquired
7 and who has filed a written request to appear within fifteen (15) days after the notice was
8 mailed to them by first class mail may appear and be heard at the public hearing on whether
9 the public interest and necessity require the City and County of San Francisco to acquire the
10 Property, the Project is planned and located in the manner that will be most compatible with
11 the greatest public good and least private injury, the Property sought to be acquired is
12 necessary for the Project, and the City has made the offer(s) required by California
13 Government Code Section 7267.2 to the owner(s) of record of the Property; and be it

14 FURTHER MOVED, That the Resolution to acquire the Property by eminent domain
15 must be made by a two-thirds vote of all the members of the Board of Supervisors; and, be it

16 FURTHER MOVED, That at the close of the public hearing, the Board will vote to
17 decide whether or not to adopt the Resolution captioned "Resolution authorizing acquisition of
18 subsurface tunnel easements in real property in Alameda County and San Mateo County,
19 consisting of portions of Alameda County Assessor's Parcels 537-0551-028, 537-0551-020
20 and 537-0551-021-01 in the City of Newark, Alameda County Assessor's Parcel 537-0852-
21 002-08 in the City of Fremont, San Mateo County Assessor's Parcels 063-590-060 and 096-
22 230-110 in the City of Menlo Park, and in real property owned by San Mateo County Transit
23 District in the City of Menlo Park, located east of University Avenue between Assessor's
24 Parcels 093-600-010 and 063-590-060, for construction of the Water System Improvement
25 Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Tunnel;

1 adopting environmental findings under the California Environmental Quality Act ("CEQA"),
2 CEQA Guidelines, and Administrative Code Chapter 31, and adopting findings under the
3 General Plan and City Planning Code Section 101.1" on file with the Clerk of the Board of
4 Supervisors in File No. 091279, which is hereby declared to be a part of this motion as if set
5 forth fully herein.

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