

1 [Vacation of easements in approximately 260 square foot portion of the N2 mid-block walkway  
2 (Assessor's Block 8706, Lot 2)]

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4 **Resolution declaring the intention of the Board of Supervisors to vacate two (2)**  
5 **portions of the pedestrian ingress and egress easement and public utility easement in**  
6 **the N2 mid-block walkway (Assessor's Block 8706, Lot 2) within the Mission Bay North**  
7 **Redevelopment Project Area; setting the hearing date for all persons interested in the**  
8 **proposed vacation of the easement areas; and adopting findings that the vacation is**  
9 **consistent with the City's General Plan, the eight priority policies of City Planning Code**  
10 **Section 101.1 and the Mission Bay North Redevelopment Plan; accepting DPW Order**  
11 **No. 174,111; and authorizing other official acts in connection with this Resolution.**

12  
13 WHEREAS, This vacation proceeding of portions of the pedestrian ingress and egress  
14 and public utility easements (the "Easement") in the N2 mid-block walkway is conducted  
15 under the general vacation procedures of the Public Streets, Highways and Service  
16 Easements Vacation Law (California Streets and Highways Code sections 8300 et seq.); and

17 WHEREAS, Section 787(a) of the San Francisco Public Works Code provides that the  
18 street vacation procedures of the City and County of San Francisco (the "City") shall be in  
19 accordance with the applicable procedures of the California Streets and Highways Code and  
20 such rules and conditions as are adopted by the Board of Supervisors; and

21 WHEREAS, The easement areas proposed to be vacated are located within the  
22 Mission Bay North Redevelopment Project Area approved by the Board of Supervisors on  
23 October 26, 1998, and are described as follows:

24 Two (2) portions of the Pedestrian Ingress and Egress Easement and Public Utility  
25 Easement in Assessor's Block 8706, Lot2, consisting of a total of approximately 260 square

1 feet, as shown on the Department of Public Works' SUR Map No. 5003, dated May 12, 2003,  
2 and are more particularly described in the legal descriptions attached to such map  
3 (collectively, the "Easement Vacation Area"), copies of such map and legal descriptions are  
4 on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_; and,

5 WHEREAS, In DPW Order No. 174, 110, dated May 7, 2003 the Director of the  
6 Department of Public Works and the City Engineer found and determined that with respect to  
7 the vacation of those portions of the Easement located in the Easement Vacation Area, (i)  
8 there are no public utility facilities located or to be located in the Easement Vacation Area, (ii)  
9 the vacation of those portions of the Easement located in the Easement Vacation Area are  
10 consistent with the purpose and intent of the Mission Bay North Redevelopment Plan, (iii) the  
11 quitclaim of those portions of the Easement located in the Easement Vacation Area will not be  
12 materially detrimental to the public welfare or injurious to other property in the area, and (iv)  
13 the Easement Vacation Area is no longer needed for present or prospective public pedestrian  
14 ingress/egress or for public utility purposes. A copy of the DPW Order is on file with the Clerk  
15 of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated by reference as  
16 though fully set forth herein. The Board of Supervisors adopts as its own the findings and  
17 determinations of the City Engineer and the Director of Public Works as set forth in DPW  
18 Order No. 174,111 and approves their recommendation in connection with the proposed  
19 vacation of those portions of the Easement located in the Easement Vacation Area; and,

20 WHEREAS, In a letter dated May 13, 2003 (the "Planning Department Letter"), a  
21 copy of which is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_,  
22 the City Planning Department found that the proposed vacation of those portions of the  
23 Easement located in the Easement Vacation Area, and other actions are consistent with the  
24 General Plan consistency findings of Case No. 96.771R, the eight priority policies of Planning  
25 Code Section 101.1 and the contemplated actions do not trigger the need for subsequent

1 environmental review pursuant the California Environmental Quality Act (CEQA) (California  
2 Public Resources Code Sections 21000 et seq.); and

3 WHEREAS, In a letter dated May 21, 2003 (the "Agency Letter"), a copy of which is on  
4 file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_, the San Francisco  
5 Redevelopment Agency found that the proposed vacation of those portions of the Easement  
6 located in the Easement Vacation Area and other actions, are consistent with the Mission Bay  
7 North Redevelopment Plan and Plan Documents, and recommends Board of Supervisors  
8 approval; and

9 WHEREAS, The vacation of those portions of the Easement located in the  
10 Easement Vacation Area is consistent with the development of the Block N2 in the Mission  
11 Bay North Redevelopment Project Area and is consistent with the Mission Bay North  
12 Redevelopment Plan adopted by the Board of Supervisors on October 26, 1998 (the  
13 "Redevelopment Plan") and the Plan Documents (as that term is defined in the  
14 Redevelopment Plan).

15 WHEREAS, The contemplated vacation is related to the Property Exchange  
16 Agreement (Mission Bay North Plan Area) addressed in companion legislation on file with the  
17 Clerk of the Board of Supervisors in File No. \_\_\_\_\_; now therefore be it

18 RESOLVED, Pursuant to Section 8320 of the California Streets and Highways Code,  
19 the Board of Supervisors hereby declares that it intends to order the vacation of those  
20 portions of the Easement located in the Easement Vacation Area, as shown on the SUR Map  
21 5003 and described in the legal descriptions both attached hereto; and, be it

22 FURTHER RESOLVED, That notice is hereby given that on the  
23 \_\_\_\_\_ (\_\_\_\_) day of \_\_\_\_\_, 2003, beginning at approximately 2:00 PM in  
24 the Legislative Chambers of the Board of Supervisors, all persons interested in or objecting to  
25 the proposed vacation will be heard; and, be it

1 FURTHER RESOLVED, That the Board of Supervisors adopts as its own and  
2 incorporates by reference herein as though fully set forth, the findings and determinations in  
3 (i) the DPW Order No. 174,111, (ii) the Planning Department Letter (including the consistency  
4 findings and the CEQA findings), and (iii) the Agency Letter, all in connection with the  
5 proposed vacation of those portions of the Easement located in the easement Vacation Area  
6 and other actions set forth herein; and, be it

7 FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the  
8 Board to transmit to the Department of Public Works a certified copy of this resolution, and the  
9 Board of Supervisors urges the Director of Public Works to publish and post notice of this  
10 resolution promptly in the manner required by law.

11

12 RECOMMENDED:  
13 DEPARTMENT OF PUBLIC WORKS

14  
15 By: \_\_\_\_\_  
16 Edwin M. Lee  
17 Director of Public Works

RECOMMENDED:  
DIRECTOR OF PROPERTY

By: \_\_\_\_\_  
Steve Legnitto  
Acting Director of Property

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19 RECOMMENDED:  
20 DEPARTMENT OF PUBLIC WORKS

21  
22 By: \_\_\_\_\_  
23 Harlan L. Kelly, Jr.  
24 City Engineer

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