

FILE NO. 061516

RESOLUTION NO.

1 [Vacation of sewer and water line easements in former Hubbell Street (a portion of Assessor's
2 Block 8709, Lot 11)]

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4 **Resolution declaring the intention of the Board of Supervisors to vacate a 10-foot wide**
5 **water line easement and 20-foot wide sewer easement in former Hubbell Street within**
6 **the Mission Bay South Redevelopment Project Area; setting the hearing date for**
7 **February 27, 2007 at 3:00 p.m. for all persons interested in the proposed vacation of the**
8 **easements; and adopting findings that the vacation is consistent with the City's**
9 **General Plan, the eight priority policies of City Planning Code Section 101.1 and the**
10 **Mission Bay South Redevelopment Plan; accepting the Department of Public Works**
11 **Order No. 176,502, dated October 24, 2006; and authorizing other official acts in**
12 **connection with this Resolution.**

13 WHEREAS, This vacation proceeding of a 10-foot wide water line easement and 20-
14 foot wide sewer easement is conducted under the general vacation procedures of the Public
15 Streets, Highways and Service Easements Vacation Law (California Streets and Highways
16 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 proposed to be vacated are (i) that certain Parcel 2, a 10-
22 foot wide strip of land for water line purposes, and (ii) that certain Parcel 3, a 20-foot wide strip
23 of land for sewer purposes in former Hubbell Street, recorded November 26, 1963, in Book
24 A681, Official Records, at Page 0574 and shown on the Department of Public Works' (DPW)
25 SUR Map No. 7006, dated October 24, 2006, (the "Easements").

1 Copies of said SUR Map are on file with the Clerk of the Board of Supervisors in File
2 No.061516; and,

3 WHEREAS, In DPW Order No. 176,502, dated October 24, 2006, the Director of DPW
4 (the "Director") and the City Engineer found and determined that with respect to the vacation
5 of the Easements, (i) the vacation is pursuant to the California Streets and Highway Code
6 Sections 8300 et seq. concerning the vacation of public streets and public service easements
7 and the City Administrative Code Section 1.51, and the existing sewer easement is not
8 needed for sewer purposes and the water line easement is proposed to be abandon or
9 replaced in the future, (ii) The retention of the above referenced Easements would result in
10 practical difficulties and unnecessary hardships affecting the property and be inconsistent with
11 the general purpose and intent of the Redevelopment Plan for Mission Bay South, (iii) the
12 vacation and quitclaim of said Easements will not materially increase the City's obligations or
13 materially diminish the City's rights under the Mission Bay Plan and Plan Documents, and (iv)
14 such vacation and quitclaim will not be materially detrimental to the public welfare or injurious
15 to other property in the area in which the Easements are situated. A copy of the DPW Order is
16 on file with the Clerk of the Board of Supervisors in File No. 061516 and is incorporated by
17 reference as though fully set forth herein. The Board of Supervisors adopts as its own the
18 findings and determinations of the Director and the City Engineer as set forth in DPW Order
19 No. 176,502 and approves their recommendation in connection with the proposed vacation of
20 the Easements located in former Hubbell Street; and,

21 WHEREAS, In a letter dated December 9, 2004 (the "Planning Department Letter"), a
22 copy of which is on file with the Clerk of the Board of Supervisors in File No. 061516, the City
23 Planning Department found that the proposed vacation of the Easements located in former
24 Hubbell Street, and other actions are consistent with the General Plan consistency findings of
25 Case No. 96.771R, the eight priority policies of Planning Code Section 101.1 and the

1 contemplated actions do not trigger the need for subsequent environmental review pursuant
2 the California Environmental Quality Act (CEQA) (California Public Resources Code sections
3 21000 et seq.); and

4 WHEREAS, In a letter dated August 8, 2006, (the "Agency Letter"), a copy of which is
5 on file with the Clerk of the Board of Supervisors in File No. 061516, the San Francisco
6 Redevelopment Agency found that the proposed vacation of the Easements located in former
7 Hubbell Street and other actions, are consistent with the Mission Bay South Redevelopment
8 Plan and Plan Documents, and recommends Board of Supervisors approval; and

9 WHEREAS, The vacation of the Easements located in former Hubbell Street is
10 consistent with the development of the Regents of the University of California Campus Site in
11 the Mission Bay South Redevelopment Project Area and is consistent with the Mission Bay
12 South Redevelopment Plan adopted by the Board of Supervisors on November 2, 1998 (the
13 "Redevelopment Plan") and the Plan Documents (as that term is defined in the
14 Redevelopment Plan), now therefore be it

15 RESOLVED, Pursuant to Section 8320 of the California Streets and Highways Code,
16 the Board of Supervisors hereby declares that it intends to order the vacation of the
17 Easements located in former Hubbell Street, as shown on said SUR Map 7006; and, be it

18 FURTHER RESOLVED, That the vacation of the water line easement shall be
19 conditioned upon and not become effective until the earliest to occur of (i) City's acceptance
20 of the dedication of a utility or other facility which provides substantially equivalent or greater
21 levels of service, (ii) a determination by the Director and the General Manager of the Public
22 Utilities Commission (the "General Manager") that both (1) such facilities are no longer
23 required, and (2) either (A) reasonable alternative service has been provided to areas served
24 by the water line, or (B) the areas served by the applicable portion of the water line no longer
25 require the service and that new facilities shall be placed in newly dedicated streets pursuant

1 to then applicable franchise rights or other applicable state or federal laws or otherwise in
2 locations and on terms and conditions reasonably satisfactory to the City, including, the
3 Director and the General Manager; or (iii) FOCIL provides alternative facilities and grants to
4 City and City accepts an immediate temporary substitute easement, or other instrument which
5 will, in the reasonable judgment of the Director of DPW and the General Manager, satisfy the
6 requirements of water facilities, and/or which provide a direct alternative means of service and
7 immediately upon satisfaction of the this condition, the Clerk of the Board of Supervisors and
8 the Director of Real Property shall be authorized and the clerk shall be directed to record (or
9 cause to be recorded) a certified copy of the Ordinance ordering such vacation as provided in
10 Section 8325(a) of the California Streets and Highways Code, and thereupon such vacation
11 shall be effective without any further action by the Board of Supervisors; and, be it

12 FURTHER RESOLVED, That notice is hereby given that on the 27th day of February,
13 ~~2006~~ 2007, beginning at approximately 3:00 PM in the Legislative Chambers of the Board of
14 Supervisors, all persons interested in or objecting to the proposed vacation will be heard; and,
15 be it

16 FURTHER RESOLVED, That the Board of Supervisors adopts as its own and
17 incorporates by reference herein as though fully set forth, the findings and determinations in
18 (i) the DPW Order No. 176,502, (ii) the Planning Department Letter (including the consistency
19 findings and the CEQA findings), and (iii) the Agency Letter, all in connection with the
20 proposed vacation of the Easements located in former Hubbell Street and other actions set
21 forth herein; and, be it

22 FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the
23 Board to transmit to the Department of Public Works a certified copy of this resolution, and the
24 Board of Supervisors urges the Director of DPW to publish and post notice of this resolution
25 promptly in the manner required by law.

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RECOMMENDED:
DEPARTMENT OF PUBLIC WORKS

RECOMMENDED:
DIRECTOR OF PROPERTY

By: See originals for signature
Robert P. Beck
Deputy Director of Engineering, DPW

By: _____
Amy L. Brown
Director of Property

RECOMMENDED:
DEPARTMENT OF PUBLIC WORKS

By: _____
Bruce R. Storrs
City and County Surveyor