

1 [Committee of the Whole.]

2
3 **Motion scheduling the Board of Supervisors to sit as Committee of the Whole on**
4 **December 9, 2002, at 3:00 p.m., to hold a hearing to consider adopting a Resolution of**
5 **Necessity in connection with a proposal to acquire by eminent domain portions of Lot**
6 **24 in San Francisco Assessor's Block 5474, located at Keith Street and LeConte**
7 **Avenue, and adjacent portions of Keith Street and LeConte Avenue, for the**
8 **construction of a substation for the Third Street Light Rail Project.**
9

10 WHEREAS, The Municipal Transportation Agency Board in adopting Resolution No.
11 02-079 on August 6, 2002, found that the acquisition by eminent domain of the real property
12 at Keith Street and LeConte Avenue, situated on Block 5474, Lot 24, and adjacent portions of
13 Keith Street and LeConte Avenue, in the City and County of San Francisco ("the Property") is
14 necessary for construction of a substation for the Third Street Light Rail Project, and that
15 failure to acquire the Property and construct the substation would substantially impair the
16 performance of the light rail vehicles along the Third Street Corridor; and,

17 WHEREAS, Section 1245.235 of the Code of Civil Procedure requires that a public
18 hearing be held by the full Board of Supervisors to make a finding that there is or is not a
19 public interest and necessity for the City and County of San Francisco to acquire the real
20 property at Keith Street and LeConte Avenue, situated on Block 5474, Lot 24, and adjacent
21 portions of Keith Street and LeConte Avenue, in the City and County of San Francisco for
22 construction of a substation for the Third Street Light Rail Project, that the Project's substation
23 is planned and located in a manner that will be most compatible with the greatest public good
24 and the least private injury, that the property to be acquired is necessary for the project and
25

1 that the City has made the offer required by California Government Code Section 7267.2 to
2 the owner(s) of record of the property; now, therefore, be it

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

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

10 FURTHER MOVED, Said public hearing is to be held in accordance with Section
11 1245.235 of the Code of Civil Procedure and notice is hereby given that on the 9th day of
12 December, 2002, beginning at 3:00 p.m., the Board of Supervisors will hold such public
13 hearing; and, be it

14 FURTHER MOVED, At the public hearing, each person whose name and address
15 appears on the last equalized county assessment role notice for the Property to be acquired
16 and who has filed a written request to appear within fifteen (15) days after the notice was
17 mailed to them by first class mail may appear and be heard at the public hearing on whether
18 the public interest and necessity require the City and County of San Francisco to acquire the
19 Property, the Project's substation is planned and located in the manner that will be most
20 compatible with the greatest public good and least private injury, the Property sought to be
21 acquired is necessary for the Project, and the City has made the offer required by California
22 Government Code Section 7267.2 to the owner(s) of record of the Property. The procedure
23 requires that the resolution to acquire the Property by eminent domain be made by a two-
24 thirds vote of all the members of the Board of Supervisors present or not; and, be it

25

Supervisor Maxwell

BOARD OF SUPERVISORS

Page 2
7/27/2011

d:\insite\files\sfr\attachments\23703.doc

1 FURTHER MOVED, A do pass or not pass vote of the Resolution captioned
2 “Resolution authorizing acquisition of portions of Lot 5474, located at Keith Street and Leconte
3 Avenue, and adjacent portions of Keith Street and Leconte Avenue, by eminent domain, for
4 the construction of a substation for the Third Street Light Rail Project,” on file with the Clerk of
5 the Board of Supervisors in File No. _____, which is hereby declared to be a part of this
6 motion as if set forth fully herein, is to be made.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25