

1 [Street Vacation - Portion of 19th Street adjacent to Mission Dolores Park]

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3 **Resolution declaring the intention of the Board of Supervisors to vacate a portion of**  
4 **19<sup>th</sup> Street located at the western intersection of 19<sup>th</sup> and Dolores Streets adjacent to**  
5 **Mission Dolores Park; and setting the hearing date for all persons interested in the**  
6 **proposed vacation of said public right-of-way.**

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8 WHEREAS, This vacation proceeding for portion of the public right-of-way located on  
9 19<sup>th</sup> Street at its western intersection with Dolores Street adjacent to Mission Dolores Park  
10 (the "Vacation Area"), is conducted under the general vacation procedures of the Public  
11 Streets, Highways and Service Easements Vacation Law (California Streets and Highways  
12 Code Sections 8300 et seq.); and,

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

17 WHEREAS, The location and extent of the Vacation Area is more particularly described  
18 on the Department of Public Works' SUR Map No. \_\_\_\_\_, dated \_\_\_\_\_,  
19 a copy of which is on file with the Clerk of the Board of Supervisors in File No.  
20 \_\_\_\_\_ and incorporated herein by reference; and,

21 WHEREAS, The Vacation Area is located along the sidewalk bordering the eastern  
22 side of Mission Dolores Park on an area known as the "pad", which serves as a drop off and  
23 truck loading zone. Mission Dolores Park is bounded by Dolores Street on the east, Church  
24 Street on the west, 18<sup>th</sup> Street on the north, and 20<sup>th</sup> Street on the south. A formerly vacated  
25 portion of 19<sup>th</sup> Street bisects the Park; and,

1           WHEREAS, The Recreation and Park Department seeks a transfer of the Vacation  
2 Area and the formerly vacated portions of 19<sup>th</sup> Street within the Park from the Department of  
3 Public Works to Recreation and Park Department jurisdiction; and,

4           WHEREAS, The vacation of the Vacation Area will provide flexibility to the Recreation  
5 and Park Department to enhance opportunities for food service as a supplement to the Park's  
6 uses; and,

7           WHEREAS, On \_\_\_\_\_, the Planning Department determined that the  
8 Vacation was categorically exempt under the California Environmental Quality Act. Said  
9 determination is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_  
10 and is incorporated herein by reference; and,

11           WHEREAS, On \_\_\_\_\_, the City Planning Department found that the  
12 street vacation and other actions contemplated herein were consistent with the General Plan  
13 and the eight priority policies of Planning Code Section 101.1. A copy of this letter is on file  
14 with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated by  
15 reference as though fully set forth herein; and,

16           WHEREAS, In DPW Order No. \_\_\_\_\_, dated \_\_\_\_\_, the Director of the  
17 Department of Public Works ("DPW Director") determined: (a) the Vacation Area is  
18 unnecessary for the City's present or prospective public street, sidewalk, and service  
19 easement purposes; (b) jurisdictional transfer of the Vacation Area and formerly vacated  
20 portions of 19<sup>th</sup> Street within Mission Dolores Park from the Department of Public Works to the  
21 Recreation and Park Department at no cost, subject to use conditions, is a policy matter for  
22 the Board; and (c) there are no physical public or private utilities affected by the vacation of  
23 the Vacation Area. A copy of the DPW Order is on file with the Clerk of the Board of  
24 Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference; and,

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1           WHEREAS, The DPW Director recommends that the public interest, convenience, and  
2 necessity require that no easements or other rights be reserved for any public or private  
3 utilities or facilities that are in place in such Vacation Area and that any rights based upon any  
4 such public or private utilities or facilities should be extinguished; and,

5           WHEREAS, Pursuant to the California Streets and Highways Code Section 892, the  
6 DPW Director also finds that the Vacation Area is currently not necessary for non-motorized  
7 transportation, though the Vacation Area, once incorporated into Mission Dolores Park, would  
8 be available for non-motorized transportation; now, therefore, be it

9           RESOLVED, That under California Streets and Highway Code Sections 8320 et seq.,  
10 the Board of Supervisors hereby declares that it intends to order the vacation of the Vacation  
11 Area, as shown on SUR Map No. \_\_\_\_\_, and adopt the recommendations of the DPW  
12 Director and the findings of the Planning Department; and, be it

13           FURTHER RESOLVED, That notice is hereby given that on the \_\_\_\_ day of  
14 \_\_\_\_\_, beginning at approximately \_\_\_\_ P.M. in the Legislative  
15 Chambers of the Board of Supervisors, all persons interested in or objecting to the proposed  
16 vacation will be heard; and, be it

17           FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board  
18 to transmit to the Department of Public Works a certified copy of this Resolution, and the  
19 Board of Supervisors urges the Director of Public Works to publish and post this Resolution  
20 promptly in the manner required by law and to give notice of the hearing of such contemplated  
21 action in the manner required by law.

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