

1 [Eminent Domain – Resolution of Necessity]

2 AUTHORIZING ACQUISITION OF LOT 17 IN ASSESSOR'S BLOCK 2338A, IN SAN
3 FRANCISCO, BY EMINENT DOMAIN FOR THE OPEN SPACE PROGRAM, AND
4 ADOPTING FINDINGS UNDER PLANNING CODE SECTION 101.1.

5 RESOLVED, That the public interest and necessity require the acquisition by eminent
6 domain by the City and County of San Francisco, a municipal corporation, of the following
7 described real property and any and all improvements and fixtures thereon, situated in the
8 City (the "Property"):

<u>Assessor's Block Nos.</u>	<u>Lot Nos.</u>
2338A	17

11 and be it

12 FURTHER RESOLVED, That the City intends to use the Property for the development
13 and maintenance of open space under the Open Space Program, as provided for under
14 Proposition "E," passed by the electorate in the 1988 general election; and be it

15 FURTHER RESOLVED, That on April 25, 1996, the Planning Commission adopted
16 Resolution No. 14103 designating the Property as "Proposed Public Open Space," and
17 adopted Resolution No. 14104 finding that the acquisition of the Property is in conformity with
18 the General Plan and consistent with the Eight Priority Policies of Planning Code Section
19 101.1; and be it

20 FURTHER RESOLVED, That the Board of Supervisors adopts as its own and
21 incorporates by reference herein the findings made by the Planning Commission in
22 Resolution No. 14104 that the acquisition of the Property is in conformity with the General
23 Plan and consistent with the Eight Priority Policies of Planning Code Section 101.1; and be it

24 FURTHER RESOLVED, That the Planning Commission in adopting Resolution No.
25 14104 found that the acquisition of the Property by eminent domain is exempt from

1 environmental review under the California Environmental Quality Act ("CEQA"), under Section
2 15308 of the State CEQA Guidelines, Chapter 3, Title 14 of the California Administrative
3 Code; and be it

4 FURTHER RESOLVED, That the Board of Supervisors has reviewed and considered,
5 concurs with, adopts as its own, and incorporates by reference herein the finding made by the
6 Planning Commission in Resolution No. 14104 that the acquisition of the Property by eminent
7 domain is exempt from environmental review under CEQA, under Section 15308 of the State
8 CEQA Guidelines, Chapter 3, Title 14 of the California Administrative Code; and be it

9 FURTHER RESOLVED, That acquisition of the Property by eminent domain is planned
10 or located in the manner that will be most compatible with the greatest public good and the
11 least private injury; and be it

12 FURTHER RESOLVED, That acquisition of the Property by eminent domain is
13 necessary for the public use of the City for development and maintenance of open space
14 under the Open Space Program, as provided for under Proposition "E," passed by the
15 electorate at the 1988 general election; and be it

16 FURTHER RESOLVED, That the City has made the offers to the owners of record of
17 the Property as required by California Government Code Section 7267.2; and be it

18 FURTHER RESOLVED, That, as provided under Sections 37350.5, 37351, 37352,
19 38010, and 40404 of the California Government Code, and Sections 1240.010 through
20 1240.050, inclusive, of the California Code of Civil Procedure, which authorize the City to
21 acquire the property by eminent domain for open space, the City Attorney is hereby
22 authorized and directed to commence proceedings in eminent domain against the owners of
23 the Property, and any and all interests therein or claims thereto, for the condemnation thereof
24 for the public use by the City for open space; and be it

25

1 FURTHER RESOLVED, That the cost to acquire the property by eminent domain shall
2 be paid from Appropriation No. RECNSOPENCAP CRP 202, in an amount not to exceed
3 \$105,000~~1,260,000~~, unless an additional certification is secured.

4
5 **RECOMMENDED:**

6 RECREATION AND PARK DEPARTMENT

5 **\$105,000~~1,260,000~~ Available:**

6 OFFICE OF THE CONTROLLER

7 See File 990868 for signature
8 JOEL ROBINSON
9 General Manager
10 Pursuant to Recreation and Park Commission
11 Resolution No. 9707-114

7 See File 990868 for signature
8 EDWARD M. HARRINGTON
9 Controller
10 Appropriation: RECNSOPENCAP CRP
11 202

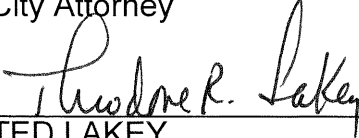
11 DEPARTMENT OF REAL ESTATE

11 2S-0SP-APR 06699

12 See File 990868 for signature
13 ANTHONY J. DELUCCHI
14 Director of Property

15 **APPROVED AS TO FORM:**

16 LOUISE H. RENNE
17 City Attorney

18 
19 TED LAKEY
20 Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Resolution

File Number: 991275

Date Passed:

Resolution authorizing acquisition of Lot 17, in Assessor's Block 2338A, (Hawk Hill Natural Area), in San Francisco, by eminent domain for the Open Space Program, and adopting findings under Planning Code Section 101.1.

June 28, 1999 Board of Supervisors — CONTINUED AS DIVIDED

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

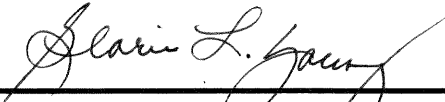
July 6, 1999 Board of Supervisors — ADOPTED

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Katz, Leno, Newsom, Teng, Yaki, Yee

Noes: 1 - Kaufman

File No. 991275

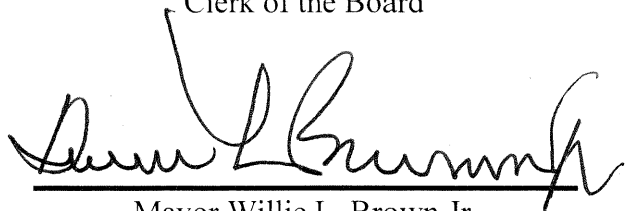
I hereby certify that the foregoing Resolution was ADOPTED on July 6, 1999 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

JUL 16 1999

Date Approved



Mayor Willie L. Brown Jr.