

1 [Ordering the vacation of a portion of Bernal Heights Boulevard.]

2

3 **Ordinance ordering the vacation of a portion of Bernal Heights Boulevard west of**
4 **Moultrie Street; transferring jurisdiction from the Department of Public Works to the**
5 **Recreation and Park Department; adopting environmental findings and findings that**
6 **such actions are consistent with the City’s General Plan and the Eight Priority Policies**
7 **of Planning Code Section 101.1; and authorizing official acts in connection with this**
8 **Ordinance.**

9

10 Note: Additions are single-underline italics Times New Roman;
11 deletions are ~~strikethrough italics Times New Roman~~.
12 Board amendment additions are double underlined.
13 Board amendment deletions are ~~strikethrough normal~~.

14 Be it ordained by the People of the City and County of San Francisco:

15 Section 1. Findings.

16 (a) On _____, 2005, the Board of Supervisors of the City and County of
17 San Francisco (the “City”) adopted Resolution No. _____ (the “Resolution of Intention”), a
18 copy of which is on file with the Clerk of the Board of Supervisors in File No. _____ and is
19 incorporated by reference as though fully set forth herein, being a Resolution declaring the
20 Board's intent to vacate a portion of Bernal Heights Boulevard west of Moultrie Street (the
21 “Vacation Area”) and transfer jurisdiction from the Department of Public Works to the
22 Recreation and Park Department. The location and extent of the Vacation Area is shown in
23 the Department of Public Works SUR Map No. 6004, dated March 17, 2005, a copy of which
24 is on file with the Clerk of the Board of Supervisors in File No. _____ and incorporated by
25 reference as though fully set forth herein.

1 (b) The Clerk of the Board of Supervisors did transmit to the Director of the
2 Department of Public Works a certified copy of the Resolution of Intention, and the Director of
3 the Department of Public Works did cause notice of adoption of such resolution to be posted
4 and published in the manner required by law.

5 (c) When such matter was considered as scheduled by the Board of Supervisors at its
6 regular meeting held in the City Hall, San Francisco, on _____, 2005, beginning at
7 approximately _____ p.m., the Board heard all persons interested in such vacation.

8 (d) The vacation and jurisdictional transfer of the Vacation Area is being sought as part
9 of the Bernal Heights Park ("Park") Project to improve the Park's entrance and pedestrian
10 pathways and to increase the area of the Park.

11 (e) In a letter dated November 9, 2004 (the "Planning Department Letter") the City
12 Planning Department determined that (i) the vacation and other actions in furtherance thereof,
13 including, without limitation, the vacation of the Vacation Area, is, on balance, in conformity
14 with the General Plan and Planning Code Section 101.1 and (ii) the actions contemplated in
15 this Ordinance are in compliance with the California Environmental Quality Act (California
16 Public Resources Code Sections 21000 et seq.). A copy of the Planning Department Letter is
17 on file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated by
18 reference as though fully set forth herein. The Board adopts as its own the Planning
19 Department's determination under the California Environmental Quality Act and consistency
20 findings as set forth in the Planning Department Letter in connection with the vacation of the
21 Vacation Area and other actions in furtherance thereof.

22 (f) In a letter dated March 17, 2005 (the "DPW Letter"), the Department of Public
23 Works found that: (i) the Vacation Area is no longer necessary for the City's present or
24 prospective future street purposes, and (ii) there are no physical public utility facilities within
25 the Vacation Area. A copy of the DPW Letter is on file with the Clerk of the Board of

1 Supervisors in File No. _____ and is incorporated by reference as though fully set forth
2 herein. The Board of Supervisors adopts as its own the recommendations of the Department
3 of Public Works as set forth in the DPW Letter concerning the vacation of the Vacation Area
4 and other actions in furtherance thereof.

5 (g) The vacation of the Vacation Area is being taken pursuant to California Streets and
6 Highways Code Sections 8300 et seq. and Public Works Code Sections 787(a). In addition,
7 the vacation is consistent with the policy directive of Public Works Code Section 787(b)
8 concerning vacation of certain streets in Bernal Heights as the property will be compatible with
9 open space use.

10 (h) From all the evidence submitted at the public hearing noticed in the Resolution of
11 Intention and the materials on file with the Clerk of the Board of Supervisors in File No.
12 the Board of Supervisors finds that the Vacation Area, as described in such Resolution, is no
13 longer necessary for the City's use as a public street.

14 (i) The public interest and convenience require that the vacation be done as declared
15 in the Resolution of Intention.

16 Section 2. The Vacation Area is hereby ordered vacated in the manner described in
17 the Resolution of Intention and pursuant to California Streets and Highways Code Sections
18 8300 et seq. and Public Works Code Section 787(a).

19 Section 3. Notwithstanding the procedures set forth in Administrative Code Sections
20 23.10 et seq. concerning interdepartmental transfers of property, this Board hereby transfers
21 jurisdiction of the Vacation Area from the Department of Public Works to the Recreation and
22 Park Department.

23 Section 4. The Board of Supervisors hereby directs the Clerk of the Board of
24 Supervisors to transmit to the Director of Public Works a certified copy of this Ordinance, and
25

1 the Board of Supervisors hereby urges the Director of Public Works to proceed in the manner
2 required by law.

3 Section 5. All actions heretofore taken by the officers of the City with respect to this
4 Ordinance are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board,
5 Director of Property, Director of Public Works, and General Manager of the Recreation and
6 Park Department are hereby authorized and directed to take any and all actions which they or
7 the City Attorney may deem necessary or advisable in order to effectuate the purpose and
8 intent of this Ordinance (including, without limitation, the filing of the Ordinance in the Official
9 Records of the City and County of San Francisco and confirmation of satisfaction of any of the
10 conditions to the effectiveness of the vacation of the Vacation Area hereunder).

11

12 RECOMMENDED:
13 DEPARTMENT OF PUBLIC WORKS

14 By: _____
15 Edwin M. Lee
16 Director of Public Works

RECOMMENDED:
DIRECTOR OF PROPERTY

By: _____
Steve Legnitto
Director of Property

17 RECOMMENDED:
18 DEPARTMENT OF PUBLIC WORKS

19 By: _____
20 Robert E. Beck
21 Deputy Director of Engineering

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
John D. Malamut
Deputy City Attorney

22 RECOMMENDED:
23 RECREATION AND PARK DEPARTMENT

24 By: _____
25 Yomi Agunbiade
Acting General Manager

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25