

1 [Mission Bay 16<sup>th</sup>/7<sup>th</sup> Street Jack and Bore Casing Improvements]

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3 **Ordinance accepting the irrevocable offer for the 16<sup>th</sup>/7<sup>th</sup> Street Jack and Bore Casing**  
4 **Improvements; designating said facilities for public use and maintenance purposes;**  
5 **adopting findings that such actions are consistent with the City's General Plan, eight**  
6 **priority policy findings of City's Planning Code section 101.1, and the Mission Bay**  
7 **South Redevelopment Plan; accepting Department of Public Works Order No. 174,027;**  
8 **and authorizing official acts in connection with this ordinance.**

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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) The San Francisco Redevelopment Agency, in a letter dated March 20, 2003,  
17 determined that the acceptance of 16<sup>th</sup>/7<sup>th</sup> Street Jack and Bore Casing improvements  
18 constructed pursuant to Permit No. 01IE-480, dated October 12, 2001 (the "Project"), and  
19 other actions herein set forth are consistent with the Mission Bay South Redevelopment Plan  
20 ("Plan") and Plan Documents described therein. A copy of the Redevelopment Agency letter  
21 is on file with the Clerk of the Board of Supervisors in File No. 031019 and is incorporated  
22 by reference as though fully set forth herein.

23 (b) The San Francisco Redevelopment Agency on March 20, 2003 signed and  
24 accepted the Catellus Conditional Assignment of Warranties and Guaranties. A copy of the  
25 Assignment is on file with the Clerk of the Board of Supervisors in File No. 031019 and is  
incorporated by reference as though fully set forth herein.

1 (c) The City Planning Department, in a letter dated January 21, 2003 determined that  
2 the acceptance of said 16<sup>th</sup>/7<sup>th</sup> Street Jack and Bore Casing improvements and other actions  
3 herein set forth are within the scope of the General Plan consistency findings of Case No.  
4 96.771R, the eight priority policies of Planning Code Section 101.1 and the contemplated  
5 actions do not trigger the need for subsequent environmental review pursuant the California  
6 Environmental Quality Act (CEQA) (California Public Resources Code Sections 21000 et  
7 seq.). A copy of the Planning Department letter is on file with the Clerk of the Board of  
8 Supervisors in File No. 031019 and is incorporated by reference as though fully set  
9 forth herein.

10 (d) In DPW Order No. 174,027, dated March 24, 2003, the Director of the Department  
11 of Public Works and the City Engineer certified that said 16<sup>th</sup>/7<sup>th</sup> Street Jack and Bore Casing  
12 improvements have been inspected and were certified as complete on March 12, 2003 and  
13 that the Project has been constructed in accordance with the Project Plans and Specifications  
14 and all City codes, regulations, standards and Mission Bay South Plan and Plan Documents  
15 governing this project, that such improvements are ready for their intended use and the  
16 Project is recommended for formal acceptance of acquisition facilities and acceptance for  
17 maintenance purposes. A copy of the DPW Order is on file with the Clerk of the Board of  
18 Supervisors in File No. 031019 and is incorporated by reference as though fully set  
19 forth herein.

20 (e) All capitalized terms relating to Mission Bay shall have the terms ascribed to them  
21 pursuant to the Mission Bay South Plan and Plan Documents approved and adopted by the  
22 Board of Supervisors of the City and County of San Francisco by Ordinance No. 335-98, on  
23 November 2, 1998, a copy of which is in Clerk of the Board of Supervisors File No. 981441.

24 Section 2. Adoptions and Approvals.  
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1 (a) The Board of Supervisors adopts as its own the consistency findings of the San  
2 Francisco Redevelopment Agency in connection with the acceptance of 16<sup>th</sup>/7<sup>th</sup> Street Jack  
3 and Bore Casing improvements and other actions set forth herein.

4 (b) The Board of Supervisors adopts as its own the consistency findings and CEQA  
5 findings of the Planning Department in connection with the 16<sup>th</sup>/7<sup>th</sup> Street Jack and Bore  
6 Casing project.

7 (c) The Board of Supervisors has reviewed and approves the City Engineer  
8 certification and Director of the Department of Public Works recommendation concerning the  
9 acceptance of the Catellus irrevocable offer of the 16th/7th Street Jack & Bore Casing  
10 improvements and ancillary facilities dated January 24, 2003, and maintenance responsibility  
11 with respect thereto.

12 Section 3. Acceptance of Offer of Improvements.

13 (a) Pursuant to San Francisco Administrative Code Sections 1.51 et seq., the  
14 Acquisition Agreement dated June 1, 2001 by and between the Redevelopment Agency of the  
15 City and County of San Francisco and Catellus Development Corporation with respect to  
16 16<sup>th</sup>/7<sup>th</sup> Street Jack and Bore Casing Acquisition Facilities, and the Department of Public  
17 Works Order No. 174,027, dated March 20, 2003, the Board of Supervisors hereby accepts  
18 Catellus Development Corporation's irrevocable offer of the 16th/7th Street Jack & Bore  
19 Casing improvements and ancillary facilities dated May 28, 2003 and designates such  
20 facilities for public use and maintenance purposes, subject to the conditions listed in  
21 subsection (b).

22 (b) The Board's acceptance of improvements pursuant to Subsection (a) are for the  
23 16th/7th Street Jack & Bore Casing improvements and ancillary facilities only, excluding  
24 therefrom those portions of the improvements which are identified on the as built drawings  
25 delivered to and on file with the City as "Pacific Bell, CDX-4 and AT&T" facilities. The

1 accepted improvements are subject to the Catellus Development Corporation's warranty  
2 obligations under the 16<sup>th</sup> Street / 7<sup>th</sup> Street Jack and Bore Casing project permit No. 01IE-  
3 480.

4 (c) The Board of Supervisors hereby acknowledges Catellus' Conditional Assignment  
5 of all guaranties and warranties related to the construction of the above improvements.

6 (d) The Director of Public Works is authorized to take formal possession of  
7 unassigned, unused or unsold conduits for purposes of marketing said facilities, directly or  
8 indirectly, to appropriate utilities or other participants. The procedures under which the  
9 Director implements this plan shall be the subject of a MOA to be developed between the City  
10 and SFRA. Such MOA shall include the ability for the Director to operate and maintain said  
11 facilities and to forward proceeds of any transaction to the Community Facilities District  
12 (CCSF CFD #6), in accordance with the Acquisition Agreement to be added to the Acquisition  
13 Funds. The MOA shall also provide for reimbursement from CFD #6 of any reasonable and  
14 appropriate costs incurred by the Director for the management of such facilities until leased or  
15 sold.

16 Section 4. All actions heretofore taken by the officers of the City with respect to such  
17 Ordinance are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board,  
18 Director of Property, and Director of Public Works are hereby authorized and directed to take  
19 any and all actions which they or the City Attorney may deem necessary or advisable in order  
20 to effectuate the purpose and intent of this Ordinance, including, but not limited to, the filing of  
21 the Ordinance in the Official Records of the City and County of San Francisco.  
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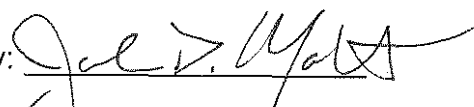
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RECOMMENDED:  
DEPARTMENT OF PUBLIC WORKS

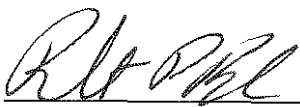
By: 

*for* EDWIN M. LEE  
Director of Public Works

APPROVED AS TO FORM:  
DENNIS J. HERRERA  
City Attorney

By:   
JOHN D. MALAMUT  
Deputy City Attorney

DESIGNATION CERTIFIED BY:  
DEPARTMENT OF PUBLIC WORKS

By:   
*for* HARLAN L. KELLY, JR.  
City Engineer



# City and County of San Francisco

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

## Tails Ordinance

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**File Number:** 031019

**Date Passed:**

Ordinance accepting the irrevocable offer for the 16th/7th Street Jack and Bore Casing Improvements; designating said facilities for public use and maintenance purposes; adopting findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 174,027; and authorizing official acts in connection with this ordinance.

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July 15, 2003 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

July 22, 2003 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 031019

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 22, 2003 by the Board of Supervisors of the City and County of San Francisco.

AUG 01 2003

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Date Approved

*Kay Sullivan*

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Gloria L. Young  
Clerk of the Board

*Willie L. Brown Jr.*

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Mayor Willie L. Brown Jr.