

1 [Street Acceptance - Portions of Executive Park Boulevard at Sandpiper Cove Way]

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3 **Ordinance accepting irrevocable offers for improvements and real property to widen**  
 4 **Executive Park Boulevard and establish a sidewalk on either side of such Boulevard at**  
 5 **Sandpiper Cove Way; accepting grant deeds for the street and public sidewalk**  
 6 **easements for the sidewalk area; declaring this area to be open public right-of-way,**  
 7 **dedicating it for right-of-way and roadway purposes, and accepting maintenance and**  
 8 **liability for this area subject to certain limitations; establishing new right-of-way and a**  
 9 **sidewalk width change based on a Department of Public Works map showing such**  
 10 **area; making findings, including environmental findings and General Plan and Priority**  
 11 **Policy findings of Planning Code Section 101.1; and authorizing official acts in**  
 12 **connection with this Ordinance.**

13 NOTE: Additions are *single-underline italics Times New Roman*;  
 14 deletions are *strike-through italics Times New Roman*.  
 15 Board amendment additions are double-underlined;  
 16 Board amendment deletions are ~~striketrough normal~~.

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

18 Section 1. **Findings.**

19 (a) On July 13, 2010, Candlestick Cove, LLC, a California limited liability company  
 20 (“Candlestick”) made an irrevocable offer of improvements, real property, and a public  
 21 sidewalk easement along Executive Park Boulevard west of Sandpiper Cove Way for right-of-  
 22 way purposes, and on June 23, 2010, Sandpiper Cove Associates, LLC, a Delaware limited  
 23 liability company (“Sandpiper”) made an irrevocable offer of improvements, real property, and  
 24 a public sidewalk easement along Executive Park Boulevard east of Sandpiper Cove Way for  
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1 right-of-way purposes (collectively, the "Offer"). A copy of said Offer is on file with the Clerk of  
2 the Board of Supervisors in File No. 120716 and is incorporated herein by reference.

3 (b) In connection with the Offer, the Department of Public Works has prepared a right-  
4 of-way and sidewalk width change Map Q-20-678, and DPW Order No. \_\_\_\_\_,  
5 dated \_\_\_\_\_, 2012. The Director of the Department determined and City Engineer  
6 certified that the improvements have been constructed in accordance with all City codes,  
7 regulations, and standards, and that they are ready for their intended use. Consequently, the  
8 Director of the Department recommends that the Board: 1) accept the Offer, including the  
9 associated grant deeds and public sidewalk easements; 2) declare these areas as open  
10 public right-of-way; 3) dedicate these areas for right-of-way and roadway purposes; and 4)  
11 accept maintenance and liability responsibility for the improvements, subject to certain  
12 limitations set forth herein. Copies of the DPW Order and Map Q-20-678 are on file with the  
13 Clerk of the Board of Supervisors File No. \_\_\_\_\_, and are incorporated herein by  
14 reference.

15 (c) In a letter dated July 29, 2009 (the "Planning Department Letter"), the City Planning  
16 Department determined that (a) actions related to the acceptance of the improvements and  
17 real property for right-of-way purposes, are, on balance, in conformity with the General Plan  
18 and Planning Code Section 101.1 and (b) the actions contemplated in this Ordinance are in  
19 compliance with the California Environmental Quality Act (California Public Resources Code  
20 Sections 21000 et seq.). A copy of the Planning Department Letter is on file with the Clerk of  
21 the Board of Supervisors in File No. 120716 and is incorporated by reference herein. The  
22 Board of Supervisors adopts as its own the Planning Department's determination under the  
23 California Environmental Quality Act and the consistency findings as set forth in the Planning  
24 Department Letter in connection with the actions herein.

1           Section 2. **Adoptions and Approvals.** The Board of Supervisors has reviewed and  
2 approves DPW Order No. \_\_\_\_\_, dated \_\_\_\_\_, 2012, which includes  
3 the City Engineer’s certification and Director’s recommendation concerning the acceptance of  
4 the Offer dated June 23, 2010; acceptance the improvements for public right-of-way and  
5 roadway purposes and for City maintenance and liability responsibilities, subject to certain  
6 limitations; and other related actions.

7           Section 3. **Acceptance of Improvements and Assumption of Maintenance**  
8 **Responsibilities.**

9           (a) The Board of Supervisors accepts the Offer for improvements and real property for  
10 right-of-way and roadway purposes, including the acceptance of the grant deeds for the  
11 roadway portions and public sidewalk easements in substantially the form on file with the  
12 Clerk of the Board of Supervisors in File No. 120716. The Board of Supervisors hereby  
13 delegates authority to the Director of Property to execute the grant deeds and the public  
14 sidewalk easements.

15           (b) Pursuant to California Streets and Highways Code Section 1806 and San  
16 Francisco Administrative Code Sections 1.51 et seq., the Board of Supervisors hereby  
17 dedicates the improvements described in the Offer to public use; designates such  
18 improvements for open public right-of-way and roadway purposes; and accepts such  
19 improvements for City maintenance and liability purposes, subject to the conditions listed in  
20 subsection (c).

21           (c) The improvements accepted by the Board pursuant to Subsections (a) - (b) are  
22 subject to the following: (1) the portions of street being accepted for right-of-way and roadway  
23 purposes are constructed from back of sidewalk to back of sidewalk, unless specified  
24 otherwise, (2) acceptance of the improvements for City maintenance and liability purposes is  
25 from back of curb to back of curb, unless specified otherwise, (3) encroachments that are

1 permitted, not permitted, or both are excluded from acceptance, and (4) the acceptance of the  
2 streets does not obviate, amend, alter, or in any way affect existing maintenance agreements  
3 between the City and parties to such agreements.

4 **Section 4. Establishing Public Right-of Way and Sidewalk Width Change.**

5 (a) The Board hereby declares that the areas shown on Department of Public Works  
6 Map Q-20-678 on Executive Park Boulevard are part of the open public right-of-way and the  
7 official grades for said area shall be the same grade that are on record with the Department of  
8 Public Works related to the acceptance and dedication of Executive Park Boulevard.

9 (b) In accordance with the Department of Public Works' Order No. \_\_\_\_\_, Board  
10 of Supervisors Ordinance No. 1061, entitled "Regulating the Width of Sidewalks," a copy of  
11 which is in the Clerk of the Board of Supervisors Book of General Ordinances, in effect May  
12 11, 1910, is hereby amended by adding thereto a new section to read as follows:

13 Section 1597. The official sidewalk width on portions of Executive Park Boulevard shall be as  
14 shown on Department of Public Works Map Q-20-678, a copy of which is on file with the Clerk of the  
15 Board of Supervisors in File No. 120716.

16 (c) The Board directs the Department of Public Works to revise the Official City Right-  
17 of-Way Maps, Grade Maps, and Sidewalk Width Maps in accordance with this Ordinance.

18 **Section 5. Authorization for Implementation.**

19 All actions heretofore taken by the officers of the City with respect to such Ordinance  
20 are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board, Director of  
21 Property and Director of Public Works are hereby authorized and directed to take any and all  
22 actions which they or the City Attorney may deem necessary or advisable in order to  
23 effectuate the purpose and intent of this Ordinance, including, but not limited to, the  
24 recordation of this Ordinance and the accompanying Q-20 Map in the Official Records of the  
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1 City and County of San Francisco, and completion, execution, and recordation of the grant  
2 deeds and public sidewalk easements.

3 Section 6. **Effective Date.** This ordinance shall become effective 30 days from the  
4 date of passage.

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

8 By: \_\_\_\_\_  
9 John D. Malamut  
Deputy City Attorney

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