

1 [Transferring streetscape improvements along Fillmore Street from the SFRA to the City.]

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3 **Resolution terminating a Major Street Encroachment Permit, recognizing the**
4 **termination of two Minor Sidewalk Encroachment Permits and Public Works Order No.**
5 **172,568; and the modification of a Minor Sidewalk Encroachment Permit, all pertaining**
6 **to the installation and maintenance of streetscape improvements along portions of**
7 **Fillmore Street between Post and McAllister Streets and transferring the ongoing**
8 **maintenance responsibility for the streetscape improvements from the San Francisco**
9 **Redevelopment Agency to the City in exchange for 1.8 million dollars.**

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 WHEREAS, On August 28, 2000, by Resolution No. 748-00, the Board of Supervisors
15 of the City and County of San Francisco ("Board of Supervisors") granted revocable
16 permission to the San Francisco Redevelopment Agency ("Agency") in the form of a Major
17 Street Encroachment Permit to construct privately maintained improvements including new
18 sidewalk interlocking pavers, new pedestrian lighting, new street trees, sidewalk furniture, and
19 the widening of the pedestrian bridge (collectively, the "Streetscape Improvements") within the
20 Western Addition Redevelopment Project Areas A-1 and A-2, along portions of Fillmore
21 Street. Said Resolution is on file with the Clerk of the Board of Supervisors in File No.
22 081602 and is incorporated herein by reference; and,

23 WHEREAS, Pursuant to Resolution No. 748-00, the City and County of San Francisco
24 Department of Public Works ("DPW") entered into a Street Encroachment and Street Tree
25 Maintenance Agreement ("DPW Agreement") with the Agency dated July 25, 2000 to permit
the Agency to construct and maintain the Streetscape Improvements. Said Agreement is on

1 file with the Clerk of the Board of Supervisors in File No. 081602 and is incorporated
2 herein by reference; and,

3 WHEREAS, Pursuant to Resolution 748-00 and the DPW Agreement, DPW issued
4 Order No. 172,568 dated September 20, 2000 granting the Agency permission to construct
5 and maintain the Streetscape Improvements. Said Order is on file with the Clerk of the Board
6 of Supervisors in File No. 081602 and is incorporated herein by reference; and,

7 WHEREAS, Pursuant to Resolution 748-00 and the DPW Agreement, DPW issued
8 Minor Sidewalk Encroachment Permit No. 01MSE-440 dated October 17, 2001 to Prince Hall
9 of Bethel AME; Minor Sidewalk Encroachment Permit No. 01MSE-441 dated October 17,
10 2001 to El Bethel Arms, Inc.; Minor Sidewalk Encroachment Permit No. 01MSE-442 dated
11 October 17, 2001 to El Bethel Terrace, Inc.; and Street Improvement Permit No. 01IE-486
12 dated October 26, 2001 to the Agency; allowing the Agency to extend the Sidewalk
13 Improvements along portions of Fillmore Street. Copies of said permits are on file with the
14 Department of Public Works, Bureau of Street Use and Mapping, 875 Stevenson Street, 4th
15 Floor; and,

16 WHEREAS, The Agency did construct, maintain, and own all the Streetscape
17 Improvements; and,

18 WHEREAS, The Redevelopment Plan for the Western Addition Approved
19 Redevelopment Project Area A-1 ("A-1 Plan") terminated on May 10, 2000 and the
20 Redevelopment Plan for Western Addition A-2 Redevelopment Project ("A-2 Plan") terminates
21 on January 1, 2009 (the "Redevelopment Plan Termination Date"). Since the A-2 Plan was
22 adopted before December 31, 1993, it is subject to the limitations in Section 33333.6(a) of the
23 California Health and Safety Code. Section 33333.6(a) states that after the Redevelopment
24 Plan Termination Date, the Agency shall thereafter "have no authority to act pursuant to the
25 redevelopment plan except to pay previously incurred indebtedness, to comply with Section

1 33333.8 [affordable housing obligations] and to enforce existing covenants, contracts, or other
2 obligations.”; and,

3 WHEREAS, The City, the Agency and the community desire that the City accept
4 ownership of the Streetscape Improvements, that they remain on Fillmore Street, and that the
5 City maintain them in good order and repair; and,

6 WHEREAS, The City is willing and able to accept the Streetscape Improvements on
7 condition that the Agency pay for certain needed repairs. City staff and Agency staff have
8 negotiated a letter agreement (“Letter Agreement”) that the Agency Commission approved at
9 a duly noticed public hearing on December 16, 2008. The Letter Agreement requires the
10 Agency to pay One Million Eight Hundred Thousand Dollars (\$1,800,000) for repairs to the
11 Streetscape Improvement deemed necessary by the Department of Public Works. Said Letter
12 Agreement is on file with the Clerk of the Board of Supervisors in File No. 081602
13 and is incorporated herein by reference;

14 WHEREAS, The DPW Director, in a letter dated January 21, 2009, has consented to
15 the terms of the transfer pursuant to the Letter Agreement and recommends to the Board of
16 Supervisors that it acknowledge and approve the actions contemplated herein; now,
17 therefore, be it

18 RESOLVED, That Board Resolution No. 748-00 is hereby superseded by this
19 Resolution and that the DPW Agreement between DPW and the Agency dated July 25, 2000
20 is hereby terminated effective immediately; and, be it

21 FURTHER RESOLVED, That the Board acknowledges the DPW Director's termination
22 and rescission of the DPW Agreement, Minor Sidewalk Encroachment Permit No. 01MSE-441
23 dated October 17, 2001, Minor Sidewalk Encroachment Permit No. 01MSE-442 dated
24 October 17, 2001, and DPW Order No. 172,568 dated September 20, 2000; and modification
25 of Minor Sidewalk Encroachment Permit No. 01MSE-440 dated October 17, 2001; and, be it

1 FURTHER RESOLVED, That the City hereby accepts ownership, custody, and control
2 of the Streetscape Improvements and will maintain said Improvements as City property in
3 exchange for One Million Eight Hundred Thousand Dollars (\$1,800,000) from the Agency.
4 The Board accepts said funding for the purposes specified above; and, be it

5 FURTHER RESOLVED, That the Director of Public Works is hereby authorized and
6 directed to take any and all actions that he or the City Attorney may deem necessary or
7 advisable in order to effectuate the purpose and intent of this Resolution.

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City and County of San Francisco

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

Tails

Resolution

File Number: 081602

Date Passed:

Resolution terminating a Major Street Encroachment Permit and recognizing the termination of two Minor Sidewalk Encroachment Permits and Public Work Order No. 172,568, and the modification of a minor sidewalk encroachment permit, all pertaining to the installation and maintenance of streetscape improvements along portions of Fillmore Street between Post and McAllister Streets and transferring the ongoing maintenance responsibility for the streetscape improvements from the San Francisco Redevelopment Agency to the City in exchange for 1.8 million dollars.

February 3, 2009 Board of Supervisors — ADOPTED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 081602

I hereby certify that the foregoing Resolution was ADOPTED on February 3, 2009 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board

2/13/09

Date Approved



Mayor Gavin Newsom