

1 [Hunters Point Shipyard – Street Vacation Order.]

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3 **Ordinance ordering the vacation of portions of McKinnon Avenue, La Salle Avenue,**
4 **Kirkwood Avenue, Jerrold Avenue, Innes Avenue, Hudson Avenue, Boalt Street,**
5 **Coleman Street, Donahue Street, and ~~Earl Galvez~~ Street in Hunters Point Shipyard**
6 **Parcel “A-1A1” and Oakdale Avenue, Newcomb Avenue, McKinnon Avenue, La Salle**
7 **Avenue, Fitch Street, and Earl Street in Hunters Point Shipyard Parcel “A-2A2” along**
8 **with public service easements in the aforementioned locations in the Hunters Point**
9 **Shipyard; making environmental findings and findings of consistency with the City's**
10 **General Plan, Planning Code Section 101.1, and the Hunters Point Redevelopment**
11 **Plan; quitclaiming the City's interest in the vacation areas; reserving easement rights**
12 **for various utilities, including SBC, Pacific Gas and Electric Company, easement**
13 **holders of record, and the City; accepting Department of Public Works Order No.**
14 **_____;** and authorizing official acts in connection with this Ordinance.

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16 Note: Additions are *single-underline italics Times New Roman*;
17 deletions are *strikethrough italics Times New Roman*.
18 Board amendment additions are double underlined.
19 Board amendment deletions are ~~strikethrough normal~~.

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

20 Section 1. Findings.

21 (a) On _____, ~~2005~~2004, the Board of Supervisors adopted Resolution
22 No. _____, a copy of which is on file with the Clerk of the Board of Supervisors in
23 File No. _____, being a Resolution declaring its intention to order the vacation of
24 portions of McKinnon Avenue, La Salle Avenue, Kirkwood Avenue, Jerrold Avenue, Innes
25 Avenue, Hudson Avenue, Boalt Street, Coleman Street, Donahue Street, and ~~Earl Galvez~~

1 Street in portions of Hunters Point Shipyard Parcel "A-4A1" and Oakdale Avenue, Newcomb
2 Avenue, McKinnon Avenue, La Salle Avenue, Fitch Street, and Earl Street in Hunters Point
3 Shipyard Parcel "A-2A2" and public service easements in the aforementioned locations of the
4 Hunters Point Shipyard (collectively, the "Vacation Area"). The location and extent of the
5 Vacation Area is shown on the Department of Public Works' SUR Map No. 8004, dated
6 December, 2004, a copy of such map is on file with the Clerk of the Board of Supervisors in
7 File No. _____ and is incorporated herein by reference.

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

12 (c) When such matter was considered as scheduled by the Board of Supervisors at its
13 regular meeting held in the City Hall, San Francisco, on _____, 2005,
14 beginning at approximately 2:00 P.M., the Board heard all persons interested in such
15 vacation.

16 (d) The vacation of the Vacation Area is part of an action to implement the Hunters
17 Point Shipyard Redevelopment Plan.

18 (e) In accordance with the actions contemplated herein, this Board adopted
19 Resolution No. _____, concerning findings pursuant to the California Environmental Quality
20 Act (California Public Resources Code sections 21000 et seq.). A copy of said Resolution is
21 on file with the Clerk of the Board of Supervisors in File No. _____ and is
22 incorporated herein by reference.

23 (f) On December 2, 2004, the Planning Commission adopted Resolution No.
24 _____, making findings of consistency with the General Plan and the eight priority
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1 policies of Planning Code Section 101.1 for the various actions, including the actions
2 contemplated herein. A copy of this Resolution is on file with the Clerk of the Board of
3 Supervisors in File No. _____. and is incorporated by reference as though fully set
4 forth herein. The Board of Supervisors adopts as its own said consistency findings.

5 (g) In a letter dated _____, 2004 (the "Agency Letter"), the Redevelopment
6 Agency found the vacation of the Vacation Area and other actions in furtherance thereof, are
7 "consistent with Hunters Point Shipyard Redevelopment Plan, described therein, and
8 recommends Board of Supervisors approval". A copy of the Agency Letter is on file with the
9 Clerk of the Board of Supervisors in File No. _____ and is incorporated by reference
10 as though fully set forth herein. The Board of Supervisors adopts as its own the consistency
11 findings of the Agency Letter.

12 (g) In DPW Order No. _____, dated _____, 2004, a copy of which is on file
13 with the Clerk of the Board of Supervisors in File No. _____, the Director of the
14 Department of Public Works ~~and the City Engineer~~ determined: (i) the Vacation Area is no
15 longer necessary for the City's present or prospective future public street and sidewalk and
16 public service easement purposes, (ii) the proposed quit claim of easement rights is
17 consistent with the Hunters Point Shipyard Redevelopment Plan, (iii) the value of such
18 exchange for future public right-of-way and public utilities is equal or in favor of the City, and
19 (iv) there are no physical public utility facilities within the Vacation Area except for SBC for
20 telecommunications purposes; PG&E for power and gas transmission purposes; ~~and~~ various
21 City utilities; and other utilities of record, including but not limited to the San Francisco
22 Housing Authority and Bridge Housing Corporation. A copy of the DPW Order is on file with
23 the Clerk of the Board of Supervisors in File No. _____. The Board of Supervisors
24 adopts as its own and incorporates by reference herein as if fully set forth, the
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1 recommendations of the Director of the Department of Public Works ~~and the City Engineer~~ as
2 set forth in DPW Order No. _____ concerning the vacation of the Vacation Area and
3 other actions in furtherance thereof.

4 (h) The vacation of the Vacation Area is being taken pursuant to California Streets and
5 Highways Code sections 8300 et seq. and Public Works Code section 787(a).

6 (i) From all the evidence submitted at the public hearing noticed in the Resolution No.
7 _____
8 and the associated materials on file with the Clerk of the Board in File No. _____,
9 the Board of Supervisors finds that the Vacation Area, as described in said Resolution, is no
10 longer necessary for the City's use for public streets, subject to the reservations and
11 conditions described in this Ordinance.

12 (j) The public interest, convenience and necessity require that the City reserve from
13 the vacation of the Vacation Area solely the following: (i) non-exclusive easement(s) for the
14 benefit of SBC; (ii) non-exclusive easement(s) for the benefit of PG&E; ~~and~~ (iii) non-exclusive
15 easement(s) for the benefit of various City utilities; and (iv) non-exclusive easement(s) for the
16 benefit of those record easement holders including, but not limited to, the San Francisco
17 Housing Authority and the Bridge Housing Corporation, in, upon, and over that certain portion
18 of the Vacation Area in which their respective in-place and functioning facilities are located or
19 to be located in the future as shown on ~~said~~ SUR Map Nos. 9004, 10004, 11004, and 12004,
20 dated December , 2004, to the extent necessary to maintain, operate, repair and remove
21 existing lines of pipe, conduits, cables, wires, poles, and other convenient structures,
22 equipment and fixtures for the operation of SBC for telecommunications facilities; PG&E for
23 power and gas transmission purposes; ~~and~~ various City utilities; and other public and private
24 utilities for record easement holders as specified above, together with reasonable access to
25 the foregoing facilities for the purposes set forth above. Copies of said SUR maps are on file

1 with the Clerk of the Board in File No. _____, and are incorporated herein by reference. The
2 public interest, convenience and necessity require, except as specifically provided in this
3 Ordinance above, that no other easements or other rights be reserved for any public or private
4 utility facilities that are in place in such Vacation Area and that any rights based upon any
5 such public or private utility facilities are extinguished.

6 (k) The public interest and convenience require that the vacation be done as declared
7 in the Resolution No. _____.

8 Section 2. Except as set forth in Section 3 below, the Vacation Area, as shown on
9 SUR Map No. 8004, is hereby ordered vacated in the manner described in the Resolution No.
10 and pursuant to California Streets and Highways Code sections 8300 et seq. and Public
11 Works Code section 787(a).

12 Section 3. The vacation of the Vacation Area is conditioned upon the reservation (i)
13 non-exclusive easement(s) for the benefit of SBC; (ii) non-exclusive easement(s) for the
14 benefit of PG&E; ~~and~~ (iii) non-exclusive easement(s) for the benefit of various City utilities;
15 and (iv) non-exclusive easement(s) for the benefit of those record easement holders including,
16 but not limited to, the San Francisco Housing Authority and the Bridge Housing Corporation,
17 in, upon, and over that certain portion of the Vacation Area in which their respective in-place
18 and functioning facilities are located or to be located in the future as shown on ~~said~~ SUR Map
19 Nos. 9004, 10004, 11004, and 12004 to the extent necessary to maintain, operate, repair and
20 remove existing lines of pipe, conduits, cables, wires, poles, and other convenient structures,
21 equipment and fixtures for the operation of SBC for telecommunications facilities; PG&E for
22 power and gas transmission purposes; ~~and~~ various City utilities; and other utilities of record,
23 including but not limited to those of the San Francisco Housing Authority and Bridge Housing
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1 Corporation, together with reasonable access to the foregoing facilities for the purposes set
2 forth above.

3 Section 4. The Board of Supervisors hereby authorizes the Director of Property to
4 execute the following documents as provided therein:

5 (a) City quitclaim deed(s) to the San Francisco Redevelopment Agency for portions
6 of the Vacation Area; and

7 (b) City ~~quitclaim~~ reservation of various easements to the respective private utilities
8 and other easement holders of record for rights reserved in the vacation on their behalf and
9 reservation of easements on behalf of City utilities.

10 Section 5. The Board of Supervisors hereby directs the Clerk of the Board of
11 Supervisors to transmit to the Director of Public Works a certified copy of this Ordinance, and
12 the Board of Supervisors hereby urges the Director of Public Works to proceed in the manner
13 required by law. The Clerk of the Board is also hereby directed to transmit to the Director of
14 Public Works a certified copy of this Ordinance so that this Ordinance may be recorded
15 together with the other documents necessary to effectuate the Hunters Point Shipyard
16 Redevelopment Plan.

17 Section 6. All actions heretofore taken by the officers of the City with respect to this
18 Ordinance are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board,
19 Director of Property, and Director of Public Works are hereby authorized and directed to take
20 any and all actions which they or the City Attorney may deem necessary or advisable in order
21 to effectuate the purpose and intent of this Ordinance (including, without limitation, the filing of
22 the Ordinance in the Official Records of the City and County of San Francisco and
23 confirmation of satisfaction of any of the conditions to the effectiveness of the vacation of the
24 Vacation Area hereunder and ~~confirmation of the termination~~ confirmation of the granting of

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1 any easements reserved hereunder pursuant to Section 3 of this Ordinance and execution
2 and delivery of any evidence of the same, which shall be conclusive as to the satisfaction of
3 such conditions upon signature by any such City official or his or her designee).

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

7 By: _____
8 John D. Malamut
9 Deputy City Attorney

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RECOMMENDED:
DEPARTMENT OF PUBLIC WORKS

RECOMMENDED:
DIRECTOR OF PROPERTY

By: _____
Edwin M. Lee
Director of Public Works

By: _____
Steve Legnitto
Director of Property

RECOMMENDED:
DEPARTMENT OF PUBLIC WORKS

By: _____
Robert P. Beck
~~City Engineer~~ Deputy Director of Engineering