

## PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 15-0235

WHEREAS, The City and County of San Francisco (City) owns four public service easements, under the jurisdiction of the SFPUC, that encumber portions of the real property located in the City and County of San Francisco designated as Assessor's Block 8722, Lot 001 (the Burdened Property), which is owned by GSW ARENA LLC, a Delaware limited liability company (GSW); and

WHEREAS, The public service easements (Easements) include: (1) Reserved Sewer and Water Line Easement, reserved in favor of City in Quitclaim Deed, dated February 19, 1970, from City to Southern Pacific Transportation Company, recorded May 7, 1970 as Document S54935, Book B422, Page 454; (2) Grant of Water Main Easement, dated September 23, 1994, by Catellus Development Corporation, a Delaware corporation, as grantor, to City, as grantee, recorded October 3, 1994 as Document No. 94-F694796-00, Reel 6229 Image 046; (3) Easement Agreement (City Storm/Sewer Easement), dated June 30, 1999, between Catellus Development Corporation, a Delaware corporation, as grantor, and City, as grantee, recorded on July 19, 1999 as Document No. 99-G622173-00, Reel H429 Image 0525; and (4) Easement Agreement (City Storm/Sewer Easement), dated June 30, 1999, between Catellus Development Corporation, a Delaware corporation, as grantor, and City, as grantee, recorded on July 19, 1999 as Document No. 99-G622173-00, Reel H429 Image 0525; and

WHEREAS, Under the terms of the instruments conveying or reserving the Easements, City holds rights allowing for the construction, reconstruction, maintenance, operation, repair, and/or removal of water and sewer lines and related appurtenances, but City has discontinued use of the water and sewer lines placed in the easement areas and has no further use of the Easements in the Burdened Property; and

WHEREAS, GSW is currently developing the Golden State Warriors Event Center and Mixed-Use Development at Mission Bay Blocks 29-32 (the Event Center Project) on the Burdened Property and has requested that City vacate the public service easements associated with the Burdened Property, and convey all of City's right, title, and interest in the Easements to GSW so that GSW may proceed with its construction of the Event Center Project; and

WHEREAS, California Streets and Highways Code Sections 8300 *et seq.* and San Francisco Public Works Code Section 787(a) set forth the procedures that the City and County of San Francisco follows to vacate public service easements. In accordance with the prescribed procedures, the San Francisco Board of Supervisors will consider authorization of an ordinance providing for the summary vacation of the Easements, the execution and delivery of Termination of Easement Agreements and Easement Quitclaim Deeds, terminating the Easements and quitclaiming to GSW the City's interest in the Easements, as set forth in the proposed ordinance in Board of Supervisors File No. 150997 (the Authorizing Ordinance) subject to the satisfaction of certain conditions precedent described in such Authorizing Ordinance, which conditions include City's recordation of irrevocable offers of replacement public improvements and, to the extent not already owned by City, for real property underlying such public improvements; and

WHEREAS, The SFPUC Wastewater Collection System Division, SFPUC City Distribution Division and City Department of Public Works have advised this Commission that there are no in-place public utility facilities that are in use that would be affected by the vacation and quit claim of the Easements; and

WHEREAS, The City and Catellus Development Corporation entered into the Mission Bay South Owner Participation Agreement, to which the SFPUC consented by SFPUC Resolution No. 98-0238, and SFPUC anticipated dedication of new water and wastewater infrastructure within public streets or within dedicated easements serving the Burdened Property and Mission Bay, and has received, and anticipates further dedications of, utility infrastructure and easements (Replacement Infrastructure); and

WHEREAS, The value of the Replacement Infrastructure in public streets serving the Burdened Property and related easements for Replacement Infrastructure not located in public streets in Mission Bay exceed the estimated value of the now unused Easements planned for termination; and

WHEREAS, The Office of Community Investment and Infrastructure, successor to the former Redevelopment Agency of the City and County of San Francisco ("OCII"), in accordance with California Environmental Quality Act, California Public Resources Code Sections 21000 et seq. ("CEQA"), and acting in its capacity as lead agency, Public Resources Code Section 21067, prepared a Final Subsequent Environmental Impact Report ("FSEIR") for the Event Center Project consisting of the Draft Subsequent Environmental Impact Report (GSW DSEIR"), the comments received during the review period, any additional information that became available after the publication of the GSW DSEIR, and the Draft Summary of Comments and Responses, all as required by law, copies of which are available through the Secretary of the San Francisco Public Utilities Commission, and are incorporated herein by reference; and,

WHEREAS, On November 3, 2015, the Commission on Community Investment and Infrastructure reviewed and considered the FSEIR and by Resolution No. 70-2015, certified the FSEIR in compliance with CEQA. Said certification included minor technical errata as set forth in the November 3, 2015, memorandum from Environmental Sciences Associates to Sally Oerth, Office of Community Investment and Infrastructure, and incorporated herein by reference; and,

WHEREAS, On November 3, 2015, the San Francisco Municipal Transportation Agency ("SFMTA") Board of Directors, acting in its capacity as a responsible agency, as such term is defined in CEQA, Public Resources Code Section 21069, after a duly noticed public hearing, adopted Resolution No.15-154, which includes required findings under CEQA and a Statement of Overriding Considerations ("CEQA Findings"), the above-mentioned errata, and various approval actions in regard to the Event Center Project. The SFMTA Resolution and the SFMTA CEQA Findings are incorporated herein by this reference and made part of the record before this Commission; and

WHEREAS, The FSEIR files, other Project-related OCII files, and other materials have been available for review by the San Francisco Public Utilities Commission and the public with the OCII Board Secretary at 1 S. Van Ness, 5th Floor, San Francisco, CA 94103, through this Commission's Secretary, and at [www.gsweventcenter.com](http://www.gsweventcenter.com), and those files are incorporated herein by this reference and made part of the record before this Commission; and,

WHEREAS, The San Francisco Public Utilities Commission, acting in its capacity as a responsible agency under CEQA, has reviewed and considered the information contained in the FSEIR for the Event Center Project and the SFMTA CEQA Findings; now, therefore, be it

RESOLVED, That the SFPUC in relation to the actions set forth herein adopts the SFMTA CEQA Findings, including without limitation, the Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program, as its own, and the SFPUC has not identified any feasible alternative or additional feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the Project would have on the environment; and be it

FURTHER RESOLVED, That this Commission hereby finds that the Easements are surplus and unnecessary for any present and prospective SFPUC utility uses, and authorizes the SFPUC General Manager, upon approval by the Board of Supervisors and the Mayor of the Authorizing Ordinance, to execute the Termination of Easement and Easement Quitclaim Deeds, or to delegate such execution to the City Director of Property, in substantially the same form presented to this Commission, provided that the Termination of Easement and Easement Quitclaim Deeds shall not be delivered to GSW until the Director of the Department of Public Works confirms to the SFPUC General Manager that conditions precedent described in the Authorizing Ordinance have been satisfied; and be it

FURTHER RESOLVED, That upon approval by City's Board of Supervisors and the Mayor, this Commission authorizes the General Manager and/or the City Director of Property to take any and all other steps they, in consultation with the City Attorney, deem necessary and advisable to effectuate the purpose and intent of this Resolution.

*I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of November 10, 2015.*



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Secretary, Public Utilities Commission