

1 [Correction to the vacation of former Trenton Street.]

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3 **Ordinance ordering the summary vacation of a portion of Trenton Street south of**
4 **Jackson Street within Assessor's Block 0192; making findings pursuant to the**
5 **California Streets and Highways Code Sections 8330 et seq.; establishing conditions to**
6 **the effectiveness of the vacation; adopting environmental findings and findings of**
7 **consistency with the General Plan and priority policies of Planning Code Section 101.1.**

8 NOTE: Additions are *single-underline italics Times New Roman*;
9 deletions are ~~*strike-through italics Times New Roman*~~.
10 Board amendment additions are double-underlined;
Board amendment deletions are ~~strike-through normal~~.

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

12 Section 1. Findings. The Board of Supervisors of the City and County of San
13 Francisco finds, determines and declares as follows:

14 A. Pursuant to Resolution No. 757-70, adopted by the Board of Supervisors on
15 December 28, 1970 and approved by the Mayor on December 30, 1970, a portion of Trenton
16 Street south of Jackson Street was vacated and deeded to the adjoining property owner, the
17 Chinese Hospital Association (the "Hospital") to be used for an entrance to a private parking
18 garage associated with the Hospital. A copy of this Resolution is on file with the Clerk of the
19 Board of Supervisors in File No. _____ and is incorporated herein by reference.

20 B. The street area vacated pursuant to Resolution No. 757-70 and legal description
21 in the deed to the Hospital were flawed in that they did not reflect an 11-inch jog in the
22 southerly line of Jackson Street, resulting in approximately 20 square feet of Trenton Street
23 which was intended but not vacated and deeded to the Hospital.

24 C. The corrected street area is shown on Department of Public Works' SUR Map
25 No. SUR-9008, dated December 2, 2008, and are more particularly described in the legal

1 description attached to such map. A copy of such map and accompanying legal description is
2 on file with the Clerk of the Board of Supervisors in File No. _____.

3 D. Section 8334(a) of the California Streets and Highways Code provides that the
4 legislative body of the local agency may summarily vacate a street if it is excess right-of-way
5 not required for street or highway purposes.

6 E. The Board of Supervisors finds that the street area as a remnant that was
7 accidentally omitted from the legal description of a prior street vacation is excess right-of-way
8 of a street or highway which is not required for street or highway purposes, subject to the
9 conditions described in this Ordinance.

10 F. The vacation of the street area is necessary to correct the description of the
11 area vacated in the previous legislation. The City proposes to correct the legal description
12 and re-deed the corrected area to the Hospital concurrently with the satisfaction of the
13 conditions to the effectiveness of the vacation contemplated hereby.

14 G. The Board of Supervisors finds that there are no in-place public utility facilities
15 that are in use and would be affected by the vacation of the street area; thus Streets and
16 Highways Code Section 8334.5 does not prohibit a summary street vacation.

17 H. Pursuant to the Streets and Highways Code Section 892, the Board hereby finds
18 and determines that the portion of Trenton Street to be vacated hereunder is a small portion of
19 land unusable for any independent purpose, and therefore, it has no use for a nonmotorized
20 transportation facility.

21 I. The Director of Planning, by letter dated October 27, 2008, found that the
22 vacation of the street area is consistent with the City's General Plan, including the street
23 vacation criteria set forth in the Urban Design Element, and with the Eight Priority Policies of
24 City Planning Code Section 101.1, which letter is on file with the Clerk of the Board of
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1 Supervisors under File No. _____, and which letter is incorporated herein by this
2 reference.

3 Section 2. The public convenience and necessity require that no easements or other
4 rights be reserved for any public utility facilities that are in place in the street area and that any
5 rights based upon any such public utility facilities shall be extinguished automatically upon the
6 effectiveness of the vacation hereunder.

7 Section 3. The public interest and convenience require that the vacation be done as
8 declared in this Ordinance.

9 Section 4. The Board of Supervisors hereby finds that the vacation of the street area is
10 in conformity with the General Plan and is consistent with the eight priority policies of Planning
11 Code Section 101.1 for the reasons set forth in the letter of the Director of Planning dated
12 October 27, 2008, and hereby incorporates such findings by reference as though fully set forth
13 in this Ordinance.

14 Section 5. Pursuant to California Streets and Highways Code Sections 8330 et seq.
15 (Public Streets, Highways, and Service Easement Vacation Law, Summary Vacation) and
16 Section 787 of the San Francisco Public Works Code, the street area is hereby ordered
17 summarily vacated in the manner described in this Ordinance, subject to and effective upon
18 the satisfaction of the following condition: the Clerk of the Board of Supervisors and the
19 Director of Property shall be authorized and the Clerk shall be directed to record (or cause to
20 be recorded) a certified copy of the Ordinance ordering such vacation as provided in Section
21 8335(a) of the California Streets and Highways Code, and thereupon such vacation shall be
22 effective and the subject area shall no longer constitute a street without any further action by
23 the Board of Supervisors.

24 Section 6. All actions heretofore taken by the officers of the City with respect to such
25 street vacation are hereby approved, confirmed and ratified, and the Mayor, Clerk of the

1 Board, Director of Property, and Director of Public Works are hereby authorized and directed
2 to take any and all actions which they or the City Attorney may deem necessary or advisable
3 in order to effectuate the purpose and intent of this Ordinance (including, without limitation,
4 confirmation of satisfaction of any of the conditions to the effectiveness of the vacation of the
5 street area hereunder and execution and delivery of any evidence of the same, which shall be
6 conclusive as to the satisfaction of such conditions upon signature by any such City official or
7 his or her designee).

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9 RECOMMENDED:

10 _____
11 Ed Reiskin, Director
12 Department of Public Works

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13 _____
14 Amy L. Brown
15 Director of Property

16 APPROVED AS TO FORM:
17 DENNIS J. HERRERA, City Attorney

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17 By: _____
18 John D. Malamut
19 Deputy City Attorney

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