

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 and recognizing the**
4 **termination of ~~three~~ two Minor Street Sidewalk Encroachment Permits and Public Work**
5 **Order No. 172,568, and the modification of a minor sidewalk encroachment permit, all**
6 **pertaining to the installation and maintenance of streetscape improvements along**
7 **portions of Fillmore Street between Post and McAllister Streets and transferring the**
8 **ongoing maintenance responsibility for the streetscape improvements from the San**
9 **Francisco 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~~.

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

22 WHEREAS, Pursuant to Resolution No. 748-00, the City and County of San Francisco
23 Department of Public Works ("DPW") entered into a Street Encroachment and Street Tree
24 Maintenance Agreement ("DPW Agreement") with the Agency dated July 25, 2000 to permit
25 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. _____ 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. _____ 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 ~~Minor Sidewalk Encroachment Street~~
12 Improvement Permit No. 01IE-442 dated October 26, 2001 to the Agency, to allow the Agency
13 to extend the Sidewalk Improvements along portions of Fillmore Street. Copies of said
14 permits are on file with the Department of Public Works, Bureau of Street Use and Mapping,
15 875 Stevenson Street, 4th 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. _____
13 and is incorporated herein by reference;

14 WHEREAS, The DPW Director, in a letter dated ~~December _____, 2008~~ January 21,
15 2009, has consented to the terms of the transfer pursuant to the Letter Agreement and
16 recommends to the Board of Supervisors that it acknowledge and approve the actions
17 contemplated herein; now, therefore, be it

18 RESOLVED, That Board Resolution No. 748-00 is hereby superseded by this
19 Resolution and that the Street Encroachment between DPW and the Agency dated July 25,
20 2000 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; ~~DPW Order No. 172,568 dated September 20, 2000;~~
23 Minor Sidewalk Encroachment Permit No. 01MSE-441 dated October 17, 2001; Minor
24 Sidewalk Encroachment Permit No. 01MSE-442 dated October 17, 2001; DPW Order No.
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1 172,568 dated September 20, 2000 and modification of Minor Sidewalk Encroachment Permit
2 No. 01E-442 dated October 26, 2001 No. 01MSE-440 dated October 17, 2001; and, be it

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

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

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