



GENERAL - DIRECTOR'S OFFICE
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(415) 554-6920 ■ www.sfdpw.org



Edwin M. Lee, Mayor
Mohammed Nuru, Director

DPW Order No: 184229

Re: Recommendation to summarily vacate four (4) easements for water line, sanitary sewer, and/or storm water purposes and two (2) offers of dedication on portions of assessor's block 8722, lot 1 within the Mission Bay South Redevelopment Plan Area, pursuant to California Streets and Highways Code Sections 8300 *et seq.* and Section 787 of the San Francisco Public Works Code; retroactively extending a license agreement for the public's use of the temporary Terry A. Francois Boulevard.

WHEREAS, On October 6, 1969, portions of El Dorado Street and Alameda Street were vacated pursuant to Board of Supervisors' Ordinance No. 303-69 with certain reservations for a Sewer and Water Easement; and

WHEREAS, On May 7, 1970, the City and County of San Francisco ("City") quitclaimed all of its right, title and interest in the vacated portion former El Dorado Street to the Southern Pacific Company, excepting and reserving unto the City an Easement for Sewer and Water Line purposes, in Quitclaim Deed recorded as Document No. S54935, Book B422, Page 454 pursuant to that aforementioned Street Vacation Ordinance No. 303-69 ("1970 Sewer/Water Easement"); and

WHEREAS, On October 3, 1994, Catellus Development Corporation ("Catellus") granted the City a Water Main Easement recorded as Document No. 94-F694796 in Reel G229, Image 461, Official Records ("1994 Water Line Easement");

WHEREAS, On November 2, 1998, the Board of Supervisors adopted the Mission Bay South Redevelopment Plan by its Ordinance No. 335-98; and

WHEREAS, On November 16, 1998, the Redevelopment Agency of the City and County of San Francisco ("Redevelopment Agency") and Catellus Development Corporation ("Catellus") entered into the Mission Bay South Owner Participation Agreement; and

WHEREAS, On November 16, 1998, the City and County of San Francisco ("City") and the Redevelopment Agency entered into the Mission Bay South Interagency Cooperation Agreement; and



WHEREAS, On November 26, 1998, the Board of Supervisors, by its Ordinance No. 328-98 approved a Street Vacation including portions of Illinois Street and El Dorado Street. Said Ordinance was recorded on July 19, 1999 as Document No. 99-G622153, Official Records; and

WHEREAS, On July 19, 1999, the City and Catellus entered into a Water Line Easement Agreement recorded as Document No. 99-G622172 and a Storm/Sewer Easement Agreement record as Document No. 99-G622173. These easement together with the 1970 Sewer/Water Easement and 1994 Water Line Easement, collectively, known hereinafter as (“Public Utility Easements”); and

WHEREAS, On July 19, 1999 the map entitled “Map of Mission Bay” was filed for record in Book Z of Maps, At Pages 97 through 119, Official Records of the City and County of San Francisco; and

WHEREAS, On December 7, 2000, Catellus irrevocably offered to dedicate to the City and County of San Francisco for street and roadway purposes the real property being a portion of Assessor’s Block 8722, Lot 1 lying along the northeasterly portion of said block/lot, per the Offer of Dedication recorded as Document No. 2000-G873071, Reel I779, Image 0400 (“2000 Offer”). This 2000 Offer was for the construction of temporary improvements for an interim connector road between existing Terry A. Francois Boulevard to the Southeast of the property and the new Terry A. Francois Boulevard to the North of the property; and

WHEREAS, On August 30, 2002, Catellus and the City entered into a License Agreement entitled “Maintenance and Temporary Use Agreement- Terry Francois Connector Road” for pedestrian and vehicular access, ingress and egress, and for utility purposes (“TFB License”); and

WHEREAS, On February 17, 2004, Focil, the successor in interest to Catellus, irrevocably offered to dedicate to the City and County of San Francisco for street and roadway purposes the real property being a portion of Assessor’s Block 8722, Lot 1 along Third Street, per the Offer of Dedication recorded as Document No. 2004-H658613, Reel I575, Image 0166 (“2004 Offer”), together with the 2000 Offer collectively known hereinafter as the “Offers of Dedication”. This 2004 Offer was to allow the City to step in to the shoes of the Developer in case of a default by the developer during the construction of certain improvements, which have been completed and accepted; and

WHEREAS, The areas subject to this vacation action (the “Vacation Area”) are shown on the SUR Map Nos. 2015-004 and 2015-005; and,

WHEREAS, GSW Arena LLC (“GSW” or “Project Sponsor”), an affiliate of the Golden State Warriors, LLC, which owns and operates the Golden State Warriors National Basketball Association team, proposes to construct the Golden State Warriors Events Center and a variety of mixed uses, including office, retail, open space, and structured parking on an approximately 11-acre site on Blocks 29-32 (Assessor’s Block 8722, Lots 1 and 8) in the Mission Bay South Redevelopment Plan Area (“the Project”). The Project site is bounded by South Street on the north, 3rd Street on the west, 16th Street on the south, and by the future planned realigned Terry A. Francois Boulevard on the east. The Public Utility Easements and Offers are on filed on the title of the Project site; and



WHEREAS, On or about March 9, 2015, the Department of Public Works received an application to vacate the Public Utility Easements and the Offers of Dedication within Assessor's Block 8722, Lot 1 in the Mission Bay South Redevelopment Plan area from GSW; and

WHEREAS, The GSW is developer and, as of October 2015, fee title owner of the underlying property of the Vacation Area and the fee title owner consents to the proposed vacation; and

WHEREAS, The Department sent notice of the proposed easement and street vacation, draft drawing and a DPW referral letter to the San Francisco Public Utilities Commission ("SFPUC") and the SFPUC Commission has scheduled a public hearing for November 10, 2015, to consider the vacation of the Public Utility Easements; and

WHEREAS, The Director of Public Works ("PW") for the City and County of San Francisco has determined the following:

1. The vacation is being carried out pursuant to the California Streets and Highways Code sections 8300 et seq., and in particular, Sections 8330 et seq. concerning summary street vacations and San Francisco Public Works Code Section 787.
2. The Offers of Dedication Vacation Area are the equivalent of excess rights-of-way that can be summarily vacated under California Streets and Highways Code 8334(a). In addition, there are no functioning in-place public or private utility facilities that would be affected by the vacation of the Vacation Area, which allows the City to proceed with a summary street vacation under Streets and Highways Code Section 8334.5.
3. The Public Utility Easements have not been used for the purpose for which they were dedicated or acquired for five consecutive years immediately preceding the proposed vacation that can be summarily vacated under California Streets and Highways Code 8333(a). In addition, with the relocation of the abandoned sanitary sewer line and water line under the jurisdiction of the San Francisco Public Utility Commission into the surrounding streets as part of the development project design, there are no functioning in-place public or private utility facilities that would be affected by the vacation of the Vacation Area, which allows the City to proceed with a summary street vacation under Streets and Highways Code Section 8334.5
3. The Vacation Area is unnecessary for the City's present or prospective public street, sidewalk, and service easement purposes.
4. The public interest, convenience, and necessity do not require any easements or other rights be reserved for any public or private utility facilities that are in place in the Vacation Area and that any rights based upon any such public or private utility facilities should be extinguished automatically upon the effectiveness of the vacation and recordation of quitclaims deeds.
5. The Vacation Areas to be vacated are shown on the SUR Map Nos. 2015-004 and 2015-005.
6. Pursuant to the Streets and Highways Code Section 892, the Department finds that the Vacation Area is no longer useful as a non-motorized transportation facility, as defined in Section 887, because the design of the development project contains new facilities for bicycle and pedestrian movement that are equal to or in excess of what may currently exist.



7. The permanent improvements for Terry A. Francois Boulevard have not been constructed, but access to existing building necessitates that the TFB License be retroactively extended until such time PW Director, in consultation with other affected City departments, approves alternative traffic routing during construction or when the permanent design for Terry A. Francois Boulevard in this location is publicly dedicated and open for public use.

8. The vacations should be conditioned upon the following:

(a) notification from the San Francisco Public Utilities Commission to the PW Director that the Public Utility Easements are surplus and no longer required because they are proposed to be abandoned and/or replaced with equivalent or better public utility facilities as part of the Project and its public improvement requirements under the Mission Bay South Infrastructure Plan and (b) the City's receipt of replacement irrevocable offers of public improvements and recordation of irrevocable offers for real property underlying such public improvements.

NOW THEREFORE BE IT ORDERED THAT,

The Director approves all of the following documents either attached hereto or referenced herein:

1. Ordinance to summarily vacate the Vacation Area, the Offers of Dedication, the Sewer and Water Easement within portions of Assessor's Block 8722, Lot 1 pursuant to California Streets and Highways Code Sections 8300 *et seq.* and Section 787 of the San Francisco Public Works Code;
2. Vacation Area SUR Map Nos. 2015-004 and 2015-005

The Director further recommends the Board of Supervisors approve the legislation to vacate said Vacation Area and quitclaim its interest in the Vacation Area as described in draft quitclaim deeds and related termination agreements in substantially the form on file with the Clerk of the Board of Supervisors.

The Director further recommends the Board of Supervisors approve the extension of the TFB License, retroactive to its termination and to take other related actions, until the PW Director, in consultation with other affected City departments, approves alternative traffic routing during construction or when the permanent design for Terry A. Francois Boulevard in this location is publicly dedicated and open for public use.

The Director further recommends that the Board of Supervisors direct the PW Director, the Director of Property, and the General Manager of the San Francisco Public Utilities Commission, in consultation with the City Attorney, to take all actions necessary to implement the intent of the vacation ordinance, including finalizing and recording of replacement irrevocable offers of public improvements and real property underlying such improvements and the finalizing and recording of the termination agreements and quitclaim deeds that release the City's interests in the vacation area. .

Attachments:

1. SUR Map No. 2015-004
2. SUR Map No. 2015-005



11/5/2015

11/5/2015

X Bruce R. Storrs

Storrs, Bruce
Approver 1
Signed by: Storrs, Bruce

11/6/2015

X *Fuad*

Sweiss, Fuad
Approver 2
Signed by: Sweiss, Fuad

X Mohammed Nuru

Nuru, Mohammed
Approver 3
Signed by: Nuru, Mohammed

