

FILE NO. 990868

RESOLUTION NO. 644-99

1 [Eminent Domain – Resolution of Necessity]  
 2 AUTHORIZING ACQUISITION OF LOTS 13 THROUGH 1617 IN ASSESSOR'S BLOCK  
 3 2338A, LOTS 4 THROUGH 13 IN ASSESSOR'S BLOCK 2338, AND LOTS 2 THROUGH 7  
 4 IN ASSESSOR'S BLOCK 2337, ALL IN SAN FRANCISCO, BY EMINENT DOMAIN FOR  
 5 THE OPEN SPACE PROGRAM, AND ADOPTING FINDINGS UNDER PLANNING CODE  
 6 SECTION 101.1.

7         RESOLVED, That the public interest and necessity require the acquisition by eminent  
 8 domain by the City and County of San Francisco, a municipal corporation, of the following  
 9 described real property and any and all improvements and fixtures thereon, situated in the  
 10 City (the "Property"):

	<u>Assessor's Block Nos.</u>	<u>Lot Nos.</u>
11		
12	2338A	13 through <u>1617</u>
13	2338	4 through 13
14	2337	2 though 7

15 and be it

16         FURTHER RESOLVED, That the City intends to use the Property for the development  
 17 and maintenance of open space under the Open Space Program, as provided for under  
 18 Proposition "E," passed by the electorate in the 1988 general election; and be it

19         FURTHER RESOLVED, That on April 25, 1996, the Planning Commission adopted  
 20 Resolution No. 14103 designating the Property as "Proposed Public Open Space," and  
 21 adopted Resolution No. 14104 finding that the acquisition of the Property is in conformity with  
 22 the General Plan and consistent with the Eight Priority Policies of Planning Code Section  
 23 101.1; and be it

24         FURTHER RESOLVED, That the Board of Supervisors adopts as its own and  
 25 incorporates by reference herein the findings made by the Planning Commission in

1 Resolution No. 14104 that the acquisition of the Property is in conformity with the General  
2 Plan and consistent with the Eight Priority Policies of Planning Code Section 101.1; and be it

3 FURTHER RESOLVED, That the Planning Commission in adopting Resolution No.  
4 14104 found that the acquisition of the Property by eminent domain is exempt from  
5 environmental review under the California Environmental Quality Act ("CEQA"), under Section  
6 15308 of the State CEQA Guidelines, Chapter 3, Title 14 of the California Administrative  
7 Code; and be it

8 FURTHER RESOLVED, That the Board of Supervisors has reviewed and considered,  
9 concurs with, adopts as its own, and incorporates by reference herein the finding made by the  
10 Planning Commission in Resolution No. 14104 that the acquisition of the Property by eminent  
11 domain is exempt from environmental review under CEQA, under Section 15308 of the State  
12 CEQA Guidelines, Chapter 3, Title 14 of the California Administrative Code; and be it

13 FURTHER RESOLVED, That acquisition of the Property by eminent domain is planned  
14 or located in the manner that will be most compatible with the greatest public good and the  
15 least private injury; and be it

16 FURTHER RESOLVED, That acquisition of the Property by eminent domain is  
17 necessary for the public use of the City for development and maintenance of open space  
18 under the Open Space Program, as provided for under Proposition "E," passed by the  
19 electorate at the 1988 general election; and be it

20 FURTHER RESOLVED, That the City has made the offers to the owners of record of  
21 the Property as required by California Government Code Section 7267.2; and be it

22 FURTHER RESOLVED, That, as provided under Sections 37350.5, 37351, 37352,  
23 38010, and 40404 of the California Government Code, and Sections 1240.010 through  
24 1240.050, inclusive, of the California Code of Civil Procedure, which authorize the City to  
25 acquire the property by eminent domain for open space, the City Attorney is hereby

1 authorized and directed to commence proceedings in eminent domain against the owners of  
2 the Property, and any and all interests therein or claims thereto, for the condemnation thereof  
3 for the public use by the City for open space; and be it

4 FURTHER RESOLVED, That the cost to acquire the property by eminent domain shall  
5 be paid from Appropriation No. RECNSOPENCAP CRP 202, in an amount not to exceed  
6 \$1,155,000~~1,260,000~~, unless an additional certification is secured.

7  
8 **RECOMMENDED:**

**\$1,155,000~~1,260,000~~ Available:**

9 RECREATION AND PARK DEPARTMENT

OFFICE OF THE CONTROLLER

10  
11 See File 990868 for signature

See File 990868 for signature

12 JOEL ROBINSON

EDWARD M. HARRINGTON

13 General Manager

Controller

14 Pursuant to Recreation and Park Commission  
15 Resolution No. 9707-114

Appropriation: RECNSOPENCAP CRP 202

2S-0SP-APR 06699

16 DEPARTMENT OF REAL ESTATE

17  
18 See File 990868 for signature

19 ANTHONY J. DELUCCHI

20 Director of Property

21 **APPROVED AS TO FORM:**

22 LOUISE H. RENNE

23 City Attorney

24   
TED LAKEY

25 Deputy City Attorney



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails

### Resolution

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**File Number:** 990868

**Date Passed:**

Resolution authorizing acquisition of Lots 13 through 16, in Assessor's Block 2338A, Lots 4 through 13 in Assessor's Block 2338, Lots 2 through 7 in Assessor's Block 2337 (Hawk Hill Natural Area), all in San Francisco, by eminent domain for the Open Space Program, and adopting findings under Planning Code Section 101.1.

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June 28, 1999 Board of Supervisors — DIVIDED

June 28, 1999 Board of Supervisors — CONTINUED AS DIVIDED

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

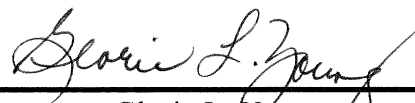
July 6, 1999 Board of Supervisors — ADOPTED

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Katz, Leno, Newsom, Teng, Yaki, Yee

Noes: 1 - Kaufman

File No. 990868

I hereby certify that the foregoing Resolution was ADOPTED on July 6, 1999 by the Board of Supervisors of the City and County of San Francisco.



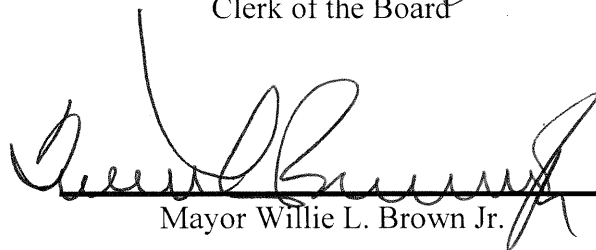
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Gloria L. Young  
Clerk of the Board

JUL 16 1999

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Date Approved



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Mayor Willie L. Brown Jr.