

1 [Resolution to Acquire Property by Eminent Domain.]

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3 **Resolution authorizing acquisition of portions of Lot 24 in San Francisco Assessor's**  
4 **Block 5474, located at Keith Street and LeConte Avenue, and adjacent portions of Keith**  
5 **Street and LeConte Avenue, by eminent domain, for the construction of a substation**  
6 **for the Third Street Light Rail Project.**

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8 WHEREAS, The public interest and necessity require the acquisition by the City and  
9 County of San Francisco, a municipal corporation, of the real property at Keith Street and  
10 LeConte Avenue, situated on Block 5474, Lot 24, and adjacent portions of Keith Street and  
11 LeConte Avenue, in the City and County of San Francisco (the "Property"); and,

12 WHEREAS, The Municipal Transportation Agency Board in adopting Resolution No.  
13 02-079 on August 6, 2002, found that the acquisition of the Property is necessary for  
14 construction of a substation for the Third Street Light Rail Project, and that failure to acquire  
15 the Property and construct the substation would substantially impair the performance of the  
16 light rail vehicles along the Third Street Corridor; and,

17 WHEREAS, On December 3, 1998, the Planning Commission, by Motion No. 14742,  
18 certified the Final Environmental Impact Report ("FEIR") for the Municipal Transportation  
19 Agency's Third Street Light Rail Project ("Project"), finding in its independent judgment, that  
20 the FEIR was accurate, adequate and objective and in compliance with the California  
21 Environmental Quality Act ("CEQA"); and,

22 WHEREAS, On February 21, 2001, the Department of City Planning issued a  
23 Memorandum to City Planning file No. 96.281E pursuant to CEQA Guidelines Section 15164  
24 ("Addendum") to the FEIR, a copy of which is on file with the Board of Supervisors in File  
25 No. 1996.281E determining that changes in the Project would not result in any new significant

1 environmental effects or substantial increase in the severity of previously identified effects;  
2 and,

3 WHEREAS, A component of the Project as described in the FEIR is the construction of  
4 a substation at Keith Street and LeConte Avenue, situated on Block 5474, Lot 24, and  
5 adjacent portions of Keith Street and LeConte Avenue, in the City and County of San  
6 Francisco; and,

7 WHEREAS, The Board of Supervisors, by Resolution 760-00, in approving parking and  
8 traffic changes along the Third Street Corridor in furtherance of the Project, adopted findings  
9 with respect to the FEIR as required by CEQA, all as more particularly set forth in such  
10 resolution; now, therefore, be it

11 RESOLVED, That the Board of Supervisors hereby adopts and incorporates the  
12 environmental findings under CEQA contained in Resolution No. 760-00 by reference as  
13 though such findings were fully set forth in this resolution; and, be it

14 FURTHER RESOLVED, That the Board of Supervisors hereby finds that the  
15 acquisition of the Property is in conformity with the General Plan and consistent with the Eight  
16 Priority Policies of City Planning Code Section 101.1; and, be it

17 FURTHER RESOLVED, That the Board of Supervisors adopts as its own and  
18 incorporates by reference herein, as though fully set forth, the findings made by the Municipal  
19 Transportation Agency Board in adopting Resolution No. 02-079 on August 6, 2002, finding  
20 that the acquisition of the Property is necessary for construction of a substation for the Third  
21 Street Light Rail Project, and that failure to acquire the Property and construct the substation  
22 would substantially impair the performance of the light rail vehicles along the Third Street  
23 Corridor; and, be it

24 FURTHER RESOLVED, That the acquisition of the Property is suitable, adaptable,  
25 necessary and required for the public use of the City and County of San Francisco, to wit:

1 completion of the Keith Street Substation as part of the Third Street Light Rail Project. The  
2 acquisition and use of the Property is planned and located in a manner that will be most  
3 compatible with the greatest public good and least private injury and is necessary for the  
4 Project; and, be it

5 FURTHER RESOLVED, That the purpose for which the acquisition and use of the  
6 Property is sought, namely, for construction of the Keith Street Substation as part of the Third  
7 Street Light Rail Project, is a more necessary public use under Section 1240.610 of the  
8 California Code of Civil Procedure; and, be it

9 FURTHER RESOLVED, That the City has made the offer(s) as required by California  
10 Government Code Section 7267.2 to the owner(s) of record of the Property; and, be it

11 FURTHER RESOLVED, That as provided by Sections 37350.5, 37351, 37352, 37501,  
12 and 40404 of the California Government Code and Sections 1240.010, 1240.040, and  
13 1240.040, and 1240.610 of the California Code of Civil Procedure, authorizing the City to  
14 acquire the Property by eminent domain, the City Attorney is hereby authorized and directed  
15 to commence proceedings in eminent domain against the owner of the Property and any and  
16 all interests therein or claims thereto for the condemnation thereof for the public use of the  
17 City and County of San Francisco; together with the authorization and direction to file any  
18 actions or comply with any legal procedures to obtain an order for immediate possession for  
19 all or a portion of the Property as depicted on the map described as "Exhibit A," on file with  
20 the Clerk of the Board of Supervisors in File No. , which is hereby declared to be a  
21 part of this resolution as if set forth fully herein, in conformity with existing or amended law;  
22 and, be it

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1 FURTHER RESOLVED, That the cost of acquiring the Property shall be paid from San  
2 Francisco County Transportation Authority Appropriation/Resolution No. 03-06 is approved  
3 July 8, 2002, in an amount not to exceed \$400,000 unless an additional certification is  
4 secured.

5 RECOMMENDED: \$400,000 Available

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Director  
Department of Public Works

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Controller  
Appropriation/Resolution No. 03-06

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Director of Property