

1 [Vacation of the Ingleside Path.]

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3 **Resolution declaring the intention of the Board of Supervisors to vacate the Ingleside**
4 **Path right-of-way between Ocean Avenue and Corona Street and Urbano and Head**
5 **Streets; setting the hearing date for all persons interested in the proposed vacation of**
6 **the street area; and adopting environmental findings and findings that the vacation is**
7 **consistent with the City’s General Plan and the eight priority policies of Planning Code**
8 **Section 101.1.**

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10 WHEREAS, The vacation of the Ingleside path right-of-way between Ocean Avenue
11 and Corona Street and Urbano and Head Streets (the “Vacation Area”) in the City and County
12 of San Francisco (the “City”) has been proposed in order to facilitate (a) improved safety of
13 adjacent residents and citizens and appropriate treatment for substantial existing private
14 encroachments on the Ingleside Path and (b) a quit claim of the City's interest in the Path to
15 the abutting property owners pursuant to the terms of sale agreements and quit claim deeds
16 substantially in the form attached hereto. Copies of said sale agreements and quit claim
17 deeds are on file with the Clerk of the Board of Supervisors in File No. , and are
18 hereby declared to be a part of this Resolution as if set forth fully herein; and,

19 WHEREAS, The Vacation Area is shown in the Department of Public Works SUR Map
20 No. , dated , 2005, a copy of which is on file with the Clerk in File No.
21 and is incorporated herein by reference; and,

22 WHEREAS, In a letter dated , 2005 (the “DPW Letter”), the
23 Department of Public Works found that: (a) the Vacation Area is no longer necessary for the
24 City’s present or prospective future right-of-way purposes, and (b) there are no physical public
25 utility facilities within the Vacation Area except for Pacific Gas & Electric (“PG&E”) for electric

1 transmission purposes. A copy of the DPW Letter is on file with the Clerk in File No.
2 and is incorporated by reference as though fully set forth herein. The Board of Supervisors
3 adopts as its own and incorporates by reference herein the recommendations of the
4 Department of Public Works as set forth in the DPW Letter concerning the vacation of the
5 Vacation Area and other actions in furtherance thereof; and,

6 WHEREAS, The public convenience and necessity require that the City reserve and
7 except from the vacation of the Vacation Area the non-exclusive easement and right (or
8 license) for the benefit of PG&E in, upon, and over those certain portions of the Vacation Area
9 in which PG&E's in-place and functioning facilities are currently located as described in SUR
10 Map No. , to the extent necessary to maintain, operate, repair and remove such existing
11 lines of pipe, conduits, cables, wires, poles and other convenient structures, equipment and
12 fixtures for the operation of existing gas pipelines, telegraphic, telecommunication and
13 telephone lines, and existing street lighting facilities, and existing facilities for transportation or
14 distribution of electric energy, and reasonable access to the foregoing facilities for the
15 purposes set forth above; and,

16 WHEREAS, The public convenience and necessity further require that any reserved or
17 excepted easements or licenses for existing utilities described in the preceding paragraph
18 shall be terminated upon the earlier of (a) the termination of any applicable easement, license
19 or similar agreement entered into with PG&E pursuant to its terms, or (b) the determination by
20 the Director of Public Works that (1) reasonable alternative utility service has been provided to
21 the areas served by such utilities for the period of service needed or (2) the areas served by
22 the utilities no longer require such service (as may be evidenced by written notice of the
23 owners being served that such service is no longer required); and,

24 WHEREAS, Any removal or relocation of a utility for which an easement or license has
25 been reserved or excepted herein for the benefit of any party shall be performed at no cost or

1 expense to the City, provided that nothing herein shall be deemed to preclude any future
2 owner of any portion of the Vacation Area from charging a third party for or otherwise causing
3 a third party to bear the costs of such relocation where such charge or cost is otherwise
4 permitted by law; and,

5 WHEREAS, Except as specifically provided above, the public convenience and
6 necessity require no other easements or rights be reserved for any public utility facilities that
7 are in place in the Vacation Area and that any rights based on any such public utility facilities
8 be extinguished; and,

9 WHEREAS, On _____, 2005, the Director of City Planning (the "Director of
10 Planning") sent a letter, a copy of which is on file with the Clerk of the Board of Supervisors in
11 File No. _____ and incorporated herein by reference, wherein the Director of Planning (a)
12 found that the proposed vacation of the Vacation Area and associated quit claim of the City's
13 interest therein are, on balance, in conformity with the City's General Plan and consistent with
14 the eight priority policies of Planning Code Section 101.1 and (b) determined that the actions
15 contemplated in this Resolution are in compliance with the California Environmental Quality
16 Act (California Public Resources Code Sections 21000 et seq.); and,

17 WHEREAS, Section 787(a) of the San Francisco Public Works Code provides that the
18 City will follow the procedure for vacating public right-of-ways as set forth in State law in the
19 California Streets and Highways Code Sections 8300 et seq. and such rules and conditions as
20 are adopted by the Board of Supervisors; now therefore, be it

21 RESOLVED, That the vacation proceeding of the Vacation Area is conducted under the
22 general vacation procedures of the Public Streets, Highways and Service Easements
23 Vacation Law (California Streets and Highways Code Sections 8300 et seq.); and, be it
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1 FURTHER RESOLVED, That under these provisions of the Streets and Highways
2 Code, the Board of Supervisors hereby declares that it intends to order the vacation of the
3 Vacation Area, as described in SUR Map No. referred to above; and, be it

4 FURTHER RESOLVED, That the vacation of the Vacation Area shall be conditioned
5 upon and shall not become effective until the Clerk of the Board of Supervisors records or
6 causes to be recorded a certified copy of the Ordinance ordering such vacation as provided in
7 Section 8325(a) of the California Streets and Highways Code, and thereupon such vacation
8 shall be effective without any further action by the Board of Supervisors; and, be it

9 FURTHER RESOLVED, That notice is hereby given that on the day of ,
10 2005, beginning at approximately p.m. in the Legislative Chambers of the Board of
11 Supervisors, all persons interested in or objecting to the proposed vacation will be heard; and,
12 be it

13 FURTHER RESOLVED, That the Board of Supervisors adopts as its own, the findings
14 in the Director of Planning's letter referred to above, including the determination of compliance
15 with the California Environmental Quality Act and findings that the proposed vacation of the
16 Street Area and quit claim of the City's interest therein are consistent with the General Plan
17 and the priority policies of Planning Code Section 101.1; and, be it

18 FURTHER RESOLVED, That the Board of Supervisors directs the Clerk to transmit to
19 the Department of Public Works a certified copy of this resolution, and the Board of
20 Supervisors urges the Director of Public Works to publish and post this Resolution promptly in
21 the manner required by law and to give notice of the hearing of such contemplated action in
22 the manner required by law.

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RECOMMENDED:

Steve Legnitto
Director of Property

Robert P. Beck
Deputy Director of Engineering

Edwin M. Lee
Director of Public Works