

[Mission Bay South-Acceptance of Land and Improvements on Third Street for Blocks 17, 20 and 23.]

Ordinance accepting the Mission Bay Blocks 17, 20, 23 Public Improvements-Phase 1; approving the dedication of the strip of land 5.00 feet in width, along the west side of Third Street for right-of-way purposes; designating street grades and sidewalk widths; accepting the irrevocable offer for the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 177,603; and authorizing official acts in connection with this ordinance.

Note: Additions are single-underline italics Times New Roman; deletions are ~~striketrough italics Times New Roman~~. Board amendment additions are double underlined. Board amendment deletions are ~~striketrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) The San Francisco Redevelopment Agency, in a letter dated May 27, 2008, determined that the acceptance of the Mission Bay Block 17, 20, 23 Public Improvements-Phase 1 constructed pursuant to Permit No. 04IE-667, dated October 25, 2004 (the "Project"), and other actions herein set forth are consistent with the Mission Bay South Redevelopment Plan ("Plan") and Plan Documents described therein. A copy of the Redevelopment Agency letter is on file with the Clerk of the Board of Supervisors in File No. 080856 and is incorporated by reference as though fully set forth herein.

1 (b) The San Francisco Redevelopment Agency on November 30, 2006 signed and
2 accepted the FOCIL-MB, LLC Conditional Assignment of Warranties and Guaranties. A copy
3 of the Assignment is on file with the Clerk of the Board of Supervisors in File No.
4 080856 and is incorporated by reference as though fully set forth herein.

5 (c) The City Planning Department, in a letter dated May 16, 2008 determined that the
6 acceptance of the Mission Bay Block 17, 20, 23 Public Improvements-Phase 1 and other
7 actions herein set forth are within the scope of the General Plan consistency findings of Case
8 No. 96.771R, the eight priority policies of Planning Code Section 101.1 and the contemplated
9 actions do not trigger the need for subsequent environmental review pursuant the California
10 Environmental Quality Act (CEQA) (California Public Resources Code Sections 21000 et
11 seq.). A copy of the Planning Department letter is on file with the Clerk of the Board of
12 Supervisors in File No. 080856 and is incorporated by reference as though fully set
13 forth herein.

14 (d) In DPW Order No. 177,603, dated June 4, 2008 the Director of the Department of
15 Public Works and the City Engineer certified that: the Mission Bay Block 17, 20, 23 Public
16 Improvements-Phase 1 have been inspected and were certified as complete on February 13,
17 2007; the Project has been constructed in accordance with the Project Plans and
18 Specifications and all City codes, regulations, standards and Mission Bay South Plan and
19 Plan Documents governing this project; and such improvements are ready for their intended
20 use and the Project is recommended for formal acceptance of acquisition facilities and
21 acceptance for maintenance purposes. A copy of the DPW Order is on file with the Clerk of
22 the Board of Supervisors in File No. 080856 and is incorporated by reference as
23 though fully set forth herein.

24 (e) All capitalized terms relating to Mission Bay shall have the terms ascribed to them
25 pursuant to the Mission Bay South Plan and Plan Documents approved and adopted by the

1 Board of Supervisors of the City and County of San Francisco by Ordinance No. 335-98, on
2 November 2, 1998, a copy of which is in Clerk of the Board of Supervisors File No. 981441.

3 Section 2. Adoptions and Approvals.

4 (a) The Board of Supervisors adopts as its own the consistency findings of the San
5 Francisco Redevelopment Agency in connection with the acceptance of Block 17, 20, 23
6 Public Improvements-Phase 1 Project and other actions set forth herein.

7 (b) The Board of Supervisors adopts as its own the consistency findings and CEQA
8 findings of the Planning Department in connection with the Mission Bay Block 17, 20, 23
9 Public Improvements-Phase 1 Project.

10 (c) The Board of Supervisors has reviewed and approves the Director of the
11 Department of Public Works recommendation concerning the acceptance of the FOCIL-MB,
12 LLC irrevocable offer of Block 17, 20, 23 Public Improvements-Phase 1 Improvements and
13 ancillary facilities dated November 30, 2006 and maintenance responsibility with respect
14 thereto.

15 Section 3. Acceptance of Offer of Improvements.

16 (a) Pursuant to San Francisco Administrative Code Sections 1.51 et seq., the
17 Acquisition Agreement dated June 1, 2001 by and between the Redevelopment Agency of the
18 City and County of San Francisco and Catellus Land Development Corporation with respect to
19 Block 17, 20, 23 Public Improvements-Phase 1 Acquisition Facilities, and the Department of
20 Public Works Order No. 177,603 dated June 4, 2008, the Board of Supervisors hereby
21 accepts irrevocable offer of the Block 17, 20, 23 Public Improvements-Phase 1 and ancillary
22 facilities dated November 30, 2006 and designates such facilities for public use and
23 maintenance purposes, subject to the conditions listed in subsection (b).

24 (b) The Board of Supervisors acceptance of improvements pursuant to Subsection (a)
25 is for the Block 17, 20, 23 Public Improvements-Phase 1 and ancillary facilities only. The

1 accepted improvements are subject to the FOCIL-MB, LLC warranty obligations under the
2 Block 17, 20, 23 Public Improvements-Phase 1 Project Permit No. 04IE-667.

3 (c) The Board of Supervisors hereby acknowledges FOCIL-MB, LLC conditional
4 assignment of all guaranties and warranties related to the construction of the above
5 improvements.

6 Section 4. Acceptance of Land.

7 The Board of Supervisors approves the grant deed of that certain strip of land
8 5.00 feet in width, as described in the Offer of Dedication, executed on November 30, 2006 to
9 the City for right-of-way and roadway purposes and hereby authorizes the Director of Real
10 Estate to execute said instrument.

11 Section 5. Right-of-Way Dedication and Acceptance for Maintenance and Liability.

12 The Board of Supervisors approves Map No. A-17-_____ dated June 6, 2008
13 designating that portion of Third Street, shown hatched on said Map No. A-17-_____ to be
14 an open public right-of-way dedicated for roadway purposes and accepted for maintenance
15 and liability purposes; and hereby directs the Department of Public Works to revise the Official
16 City Street Right-of-Way Maps in accordance with this Ordinance.

17 Section 6. Acceptance of Street Grades.

18 Notwithstanding California Streets and Highways Code Sections 8000 et seq., the
19 Board of Supervisors, in accordance with San Francisco Administrative Code Sections 1.51 et
20 seq., chooses to follow its own procedures for the establishment of street grades and hereby
21 accepts and designates the street grades for that portion of Third Street as set forth in the
22 Department of Public Works Order No.177,603 Drawing No. Q-20-_____, dated June 6,
23 2008 and hereby directs the Department of Public Works to revise the Official City Street
24 Grade Maps in accordance with this Ordinance.

1 Section 7. Designation of Street Sidewalks.

2 (a) In accordance with the recommendation in Department of
3 Public Works Order No. 177,603 designating the sidewalk width of 12.00 feet for the west side
4 of that portion of Third Street between Mission Bay South Drive and Campus Lane.

5 (b) The street sidewalk widths designated by the Board pursuant
6 to Subsection (a) for the west side of that portion of Third Street between Mission Bay South
7 and Campus Lane does not obviate, amend, alter, or in any other way affect the maintenance
8 obligations of the adjacent property owners.

9 (c) The Board of Supervisors hereby directs the Department of Public Works
10 to add this sidewalk segment to its Official Street Grade Maps in accordance with this
11 Ordinance.

12 Section 8. All actions heretofore taken by the officers of the City with respect to such
13 Ordinance are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board,
14 Director of Property, and Director of Public Works are hereby authorized and directed to take
15 any and all actions which they or the City Attorney may deem necessary or advisable in order
16 to effectuate the purpose and intent of this Ordinance, including, but not limited to, the filing of
17 the Ordinance in the Official Records of the City and County of San Francisco and recordation
18 of the Grant Deed.

19
20 RECOMMENDED:

21 DEPARTMENT OF PUBLIC WORKS

22 By: 

23 Edward D. Reiskin

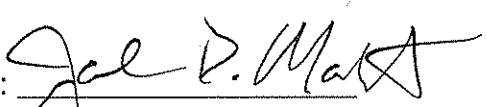
24 Director of Public Works

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APPROVED AS TO FORM:

DENNIS J. HERRERA

City Attorney

By: 

John D. Malamut

Deputy City Attorney

DESIGNATION CERTIFIED BY:

DEPARTMENT OF PUBLIC WORKS

By: 

James Chia

Acting City Engineer



City and County of San Francisco

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

Tails Ordinance

File Number: 080856

Date Passed:

Ordinance accepting the Mission Bay Blocks 17, 20, 23 Public Improvements-Phase 1; approving the dedication of the strip of land 5.00 feet in width, along the west side of Third Street for right-of-way purposes; designating street grades and sidewalk widths; accepting the irrevocable offer for the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 177,603; and authorizing official acts in connection with this ordinance.

August 12, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

September 9, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080856

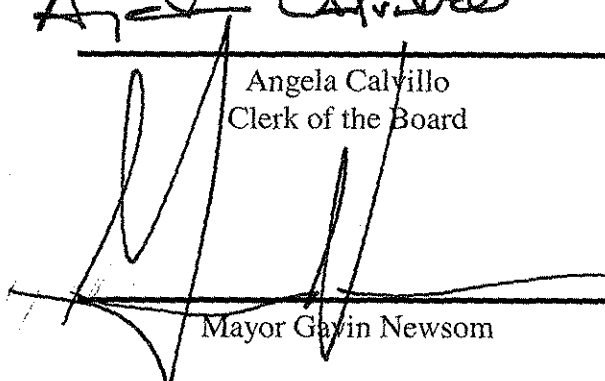
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on September 9,
2008 by the Board of Supervisors of the City
and County of San Francisco.



Angela Calvillo
Clerk of the Board

9/19/08

Date Approved


Mayor Gavin Newsom