

1 [Termination of Existing Sewer Easement and Acceptance of Replacement Sewer
2 Easement between Tandang Sora Street and 4th Street]

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4 **Ordinance Authorizing the Termination of an Existing Sewer Easement and the**
5 **Acceptance of the Grant of a Replacement Sewer Easement between Tandang Sora**
6 **Street and 4th Street, and Adopting Findings pursuant to City Planning Code Section**
7 **101.1.**

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

10 Section 1. Findings

11 A. Pursuant to an Easement Deed from the Redevelopment Agency of the City and
12 County of San Francisco (the "Agency") to the City and County of San Francisco (the "City"),
13 dated April 4, 1980, City was granted a non-exclusive sewer easement on a portion of
14 Assessor's Block 3751, Lot 410 (the "Property") located in the City and County of San
15 Francisco, as shown on Department of Public Works SUR drawing no. 798 dated June 1,
16 1998, a copy of which is on file in the office of the Clerk of the Board of Supervisors in File No.
17 010054 (the "Existing Easement").

18 B. The Agency, in connection with its Redevelopment Plan for the Yerba Buena
19 Center Approved Redevelopment Project Area, sold the Property to Armax Yerba Buena,
20 LLC, a California limited liability company ("Armax"), and required Armax to develop a 17,000
21 to 30,000 contiguous square foot retail space for a grocery supermarket thereon. In order to
22 develop the Property as required by the Agency, Armax found it necessary to remove the
23 sewer facilities located in the Existing Easement, and construct replacement facilities in a new
24 location approximately thirty-six feet north of their present location.

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1 C. Armax desires the City to release and terminate the Existing Easement pursuant to
2 a Termination of Easement in the form which is on file with the Clerk of the Board of
3 Supervisors in File No. 010054 (the "Termination"), and in exchange, Armax will
4 convey a new, exclusive, replacement sewer easement, as shown on Department of Public
5 Works SUR drawing no. 798 dated June 1, 1998 (the "Replacement Easement"), pursuant to
6 an Easement Deed in the form which is on file with the Clerk of the Board of Supervisors in
7 File No. 010054 (the "Easement Deed"). The Easement Deed includes a limited
8 indemnification by the City in connection with City's activities regarding the Replacement
9 Easement. Armax has relocated and enlarged the sewer facilities at its expense.

10 D. By letter dated July 29, 1998, a copy of which is on file in the office of the Clerk of
11 the Board of Supervisors in File No. 010054, the Planning Department found that the
12 proposed vacation of the Existing Easement in exchange for the Replacement Easement is in
13 conformity with the City's General Plan, and with the Eight Priority Policies of City Planning
14 Code Section 101.1. The San Francisco Board of Supervisors adopts as its own and
15 incorporates by reference herein as though fully set forth, the findings in the Planning
16 Department's letter described above.

17 E. The Director of Property has determined any difference in value between the
18 Existing Easement and the Replacement Easement to be nominal, and that no consideration
19 should be required of either party for the proposed exchange.

20 Section 2. The termination of the Existing Easement, and the acceptance of the
21 Replacement Easement is hereby approved.

22 Section 3. The Director of Property, on behalf of the City and County of San Francisco,
23 is hereby authorized to execute the Termination abandoning the City's interest in the Existing
24 Easement, and simultaneously accept from Armax the Easement Deed, granting to the City
25 the Replacement Easement, and to enter into any additions, amendments or other

1 modifications to the Termination or the Easement Deed (including, without limitation, the
2 attached exhibits) that the Director of Property determines are in the best interests of the City,
3 do not materially increase the obligations or liabilities of the City, and are necessary or
4 advisable to complete the transaction contemplated in the Termination and the Easement
5 Deed and effectuate the purpose and intent of this Ordinance, such determination to be
6 conclusively evidenced by the execution and delivery by the Director of Property of any such
7 additions, amendments, or other modifications.

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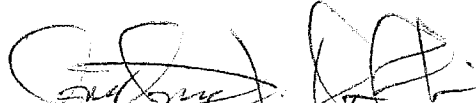
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1 Section 4. All actions authorized by this ordinance and heretofore taken by any City
2 official in connection with the subject matter hereof are hereby ratified, confirmed and
3 approved by this Board of Supervisors.
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5 **RECOMMENDED:**

APPROVED:

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7 _____
8 Director of Property *SN*

Mayor

9 

10 General Manager, Public


Clerk of Board of Supervisors

11 Utilities Commission

12 PUC Resolution No. 01-0005

13 **DESCRIPTIONS**

APPROVED/CHECKED:

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15 _____
16 Deputy Director of Public Works
17 and City Engineer

18 **APPROVED AS TO FORM:**

19 Louise H. Renne, City Attorney

20 By:


21 _____
22 Deputy City Attorney



City and County of San Francisco

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

Tails Ordinance

File Number: 010054

Date Passed:

Ordinance authorizing the termination of an existing sewer easement and the acceptance of the grant of a replacement sewer easement between Tandang Sora Street and 4th Street, and adopting findings pursuant to City Planning Code Section 101.1.

February 20, 2001 Board of Supervisors — PASSED, ON FIRST READING

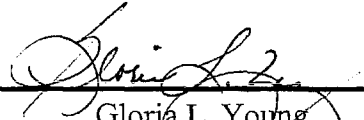
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Leno, Newsom, Peskin, Sandoval, Yee

February 26, 2001 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Leno, Newsom, Peskin, Sandoval, Yee

File No. 010054

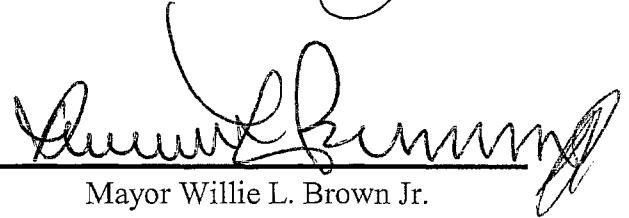
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on February 26, 2001 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

MAR 09 2001

Date Approved



Mayor Willie L. Brown Jr.