

1 [Resolution To Acquire A Temporary Construction Easement By Eminent Domain.]

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3 **Resolution Authorizing acquisition of a temporary construction easement for easterly**
4 **portions of 155 Fifth Street, in San Francisco Assessor's Block 3724, Lot 066, by**
5 **eminent domain, for the Moscone Center Expansion Project.**

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7 WHEREAS, The public interest and necessity require the acquisition by the City and
8 County of San Francisco, a municipal corporation, of a temporary construction easement ("the
9 Easement Area") on the following described real property at 155 Fifth Street, situated on
10 Block 3724, Lot 066, in the City and County of San Francisco (the "Burdened Property"). The
11 Easement Area will cover an area of approximately 13,696 square feet of surface area and
12 approximately 4,032 square feet of air rights over the Burdened Property, along with 30
13 parking spaces, as depicted on the map described as "Exhibit A," on file with the Clerk of the
14 Board of Supervisors in File No. _____, which is hereby declared to be a part of this
15 resolution as if set forth fully herein; and,

16 WHEREAS, The City Planning Commission in adopting Resolution No. 14559 on
17 March 12, 1998 found that the acquisition of the adjacent properties at Lots 18, 35, 36, 37, 38,
18 68, 69, and 70 in Assessor's Block 3724, for construction of the Moscone Center Expansion
19 Project, is in conformity with the General Plan and consistent with the Eight Priority Policies of
20 City Planning Code Section 101.1; and,

21 WHEREAS, The Board of Supervisors adopted as its own and incorporates by
22 reference herein, as though fully set forth herein, the findings made by the City Planning
23 Commission in its Resolution No. 14559, adopted on March 12, 1998, that the acquisition of
24 the adjacent properties at Lots 18, 35, 36, 37, 38, 68, 69, and 70 in Assessor's Block 3724, for

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1 construction of the Moscone Center Expansion Project is in conformity with the General Plan
2 and consistent with the Eight Priority Policies of City Planning Code Section 101.1; and,

3 WHEREAS, The City Planning Commission, in adopting Resolution No. 14557,
4 adopted on March 12, 1998, found that under the guidelines of the California Environmental
5 Quality Act, California Administrative Code Section 15308, the Moscone Center Expansion
6 Project could not have a significant effect on the environment as shown in the analysis of the
7 Negative Declaration, and affirmed the decision to issue a Negative Declaration as prepared
8 by the Planning Department; and,

9 WHEREAS, The Board of Supervisors reviewed and considered the Negative
10 Declaration, file number 96.099E, for the proposed construction of the Moscone Center
11 Expansion Project, at Lots 18, 35, 36, 37, 38, 68, 69, and 70 in Assessor's Block 3724, and
12 concurred with and adopted as its own, the findings made by the City Planning Commission in
13 its Resolution No. 14557, adopted on March 12, 1998, related to the appeal of the Negative
14 Declaration; now, therefore, be it

15 RESOLVED, That the temporary use of the Easement Area is suitable, adaptable,
16 necessary and required for the public use of the City and County of San Francisco, to wit:
17 completion of the Moscone Center Expansion Project. The temporary use of the Easement
18 Area is planned and located in a manner that will be most compatible with the greatest public
19 good and least private injury and is necessary for the Project; and, be it

20 FURTHER RESOLVED, That the temporary use for which the Easement Area is
21 sought, namely, for a temporary construction easement for setting up and positioning a large,
22 movable crane for the purpose of installing pre-cast concrete exterior panels on the Moscone
23 Center Expansion Project, is a necessary public use under Section 1240.610 of the California
24 Code of Civil Procedure; and, be it

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1 FURTHER RESOLVED, That the City has made the offer as required by California
2 Government Code Section 7267.2 to the lessee and owner of record of the Burdened
3 Property; and, be it

4 FURTHER RESOLVED, That as provided by Sections 37350.5, 37351, 37352, 37501,
5 and 40404 of the California Government Code and Sections 1240.010, 1240.040, and
6 1240.040, and 1240.610 of the California Code of Civil Procedure, authorizing the City to
7 acquire the temporary construction easement on the Burdened Property by eminent domain,
8 the City Attorney is hereby authorized and directed to commence proceedings in eminent
9 domain against the owner and lessee of the Burdened Property and any and all interests
10 therein or claims thereto for the condemnation thereof for the public use of the City and
11 County of San Francisco; together with the authorization and direction to file any actions or
12 comply with any legal procedures to obtain an order for immediate possession for all portions
13 of the Burdened Property as depicted on the map described as "Exhibit A," on file with the
14 Clerk of the Board of Supervisors in File No. , which is hereby declared to be a part of
15 this resolution as if set forth fully herein, in conformity with existing or amended law; and, be it

16 FURTHER RESOLVED, That the City has made the offer as required by California
17 Government Code Section 7267.2 to the lessee and owner of record of the Burdened
18 Property; and, be it

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