

1 [Street Vacation Order and Jurisdictional Transfer - Portion of 19<sup>th</sup> Street Adjacent to Mission  
2 Dolores Park]

3 **Ordinance ordering the vacation of a portion of 19<sup>th</sup> Street located at the western**  
4 **intersection of 19<sup>th</sup> and Dolores Streets adjacent to Mission Dolores Park; approving**  
5 **the jurisdictional transfer of such portion of public right-of-way and other portions of**  
6 **19<sup>th</sup> Street bisecting Mission Dolores Park, previously vacated by Board of**  
7 **Supervisors, from the Department of Public Works to the Recreation and Park**  
8 **Department; adopting environmental findings and findings that the actions**  
9 **contemplated herein are consistent with the City's General Plan and Planning Code**  
10 **Section 101.1; and authorizing official acts in connection with this Ordinance.**  
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13 Note: Additions are single-underline italics Times New Roman;  
14 deletions are ~~strikethrough italics Times New Roman~~.  
15 Board amendment additions are double underlined.  
16 Board amendment deletions are ~~strikethrough normal~~.

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

18 Section 1. Findings

19 (a) On \_\_\_\_\_, 2011, the Board of Supervisors adopted Resolution  
20 No. \_\_\_\_\_, a copy of which is on file with the Clerk of the Board of Supervisors in  
21 File No. \_\_\_\_\_, being a Resolution declaring its intention to order the vacation of a  
22 portion of the public right-of-way located on 19<sup>th</sup> Street at its western intersection with Dolores  
23 Street adjacent to Mission Dolores Park (the "Vacation Area"). The location and extent of the  
24 Vacation Area is shown on the Department of Public Works' ("DPW") SUR Map No. \_\_\_\_\_,  
25 dated \_\_\_\_\_. A copy of this map is on file with the Clerk of the Board of  
Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference.

1 (b) The Clerk of the Board of Supervisors did transmit to the Director of the  
2 Department of Public Works a certified copy of the Resolution of Intention, and the Director of  
3 the Department of Public Works did cause notice of adoption of such Resolution to be posted  
4 and published in the manner required by law.

5 (c) When such matter was considered as scheduled by the Board of Supervisors at its  
6 regular meeting held in the City Hall, San Francisco, on \_\_\_\_\_, beginning at  
7 approximately \_\_\_\_\_ P.M., the Board heard all persons interested in such vacation.

8 (d) The Vacation Area is located along the sidewalk bordering the eastern side of  
9 Mission Dolores Park on an area known as the "pad", which serves as a drop off and truck  
10 loading zone. Mission Dolores Park is bounded by Dolores Street on the east, Church Street  
11 on the west, 18<sup>th</sup> Street on the north, and 20<sup>th</sup> Street on the south. A formerly vacated portion  
12 of 19<sup>th</sup> Street bisects the Park.

13 (e) The Recreation and Park Department seeks a transfer of the Vacation Area and  
14 the formerly vacated portions of 19<sup>th</sup> Street within the Park from the Department of Public  
15 Works to Recreation and Park Department jurisdiction.

16 (f) The vacation of the Vacation Area will provide flexibility to the Recreation and Park  
17 Department to enhance opportunities for food service as a supplement to the Park's uses.

18 (g) The City Planning Department in a letter dated \_\_\_\_\_, found that the  
19 street vacation and other actions contemplated herein were consistent with the General Plan  
20 and the eight priority policies of Planning Code Section 101.1. A copy of this letter is on file  
21 with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated by  
22 reference as though fully set forth herein. The Board of Supervisors adopts as its own said  
23 consistency findings.

1 (h) On \_\_\_\_\_, the Planning Department determined that the Vacation was  
2 categorically exempt under the California Environmental Quality Act. Said determination is on  
3 file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated  
4 herein by reference.

5 (i) In DPW Order No. \_\_\_\_\_, dated \_\_\_\_\_, the Director of the  
6 Department of Public Works ("DPW Director") determined: (a) the Vacation Area is  
7 unnecessary for the City's present or prospective public street, sidewalk, and service  
8 easement purposes; (b) jurisdictional transfer of the Vacation Area and formerly vacated  
9 portions of 19<sup>th</sup> Street within Mission Dolores Park from the Department of Public Works to the  
10 Recreation and Park Department at no cost, subject to use conditions, is a policy matter for  
11 the Board; and (c) there are no physical public or private utilities affected by the vacation of  
12 the Vacation Area. A copy of the DPW Order is on file with the Clerk of the Board of  
13 Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference.

14 (j) The DPW Director recommends that the public interest, convenience, and necessity  
15 require that no easements or other rights be reserved for any public or private utilities or  
16 facilities that are in place in such Vacation Area and that any rights based upon any such  
17 public or private utilities or facilities should be extinguished.

18 (k) Pursuant to the California Streets and Highways Code Section 892, the DPW  
19 Director also finds that the Vacation Area is currently not necessary for non-motorized  
20 transportation, though the Vacation Area, once incorporated into Mission Dolores Park, would  
21 be available for non-motorized transportation.

22 (l) The Board of Supervisors adopts as its own, the recommendations of the Director of  
23 the Department of Public Works as set forth in DPW Order No. \_\_\_\_\_ concerning the  
24 vacation of the Vacation Area and other actions in furtherance thereof.

1 (m) The vacation of the Vacation Area is being taken pursuant to California Streets  
2 and Highways Code Sections 8300 et seq. and Public Works Code Section 787(a).

3 (n) From all the evidence submitted at the public hearing noticed in the Resolution No.  
4 \_\_\_\_\_ and the associated materials on file with the Clerk of the Board in File No.  
5 \_\_\_\_\_, the Board of Supervisors finds that the Vacation Area, as described in SUR  
6 Map No. \_\_\_\_\_, is unnecessary for present or prospective public use, subject to the  
7 conditions described in this Ordinance.

8 (o) The public interest and convenience require that the vacation be done as declared  
9 in this Ordinance.

10 (p) On \_\_\_\_\_, the Recreation and Park Commission adopted  
11 Resolution No. \_\_\_\_\_, a copy which is on file with the Clerk of the Board in File  
12 No. \_\_\_\_\_, recommending that the Board of Supervisors approve the jurisdictional transfer  
13 of the Vacation Area and the Transfer Area, as described below, to the Recreation and Park  
14 Department. A copy of this Resolution is on file with the Clerk of the Board of Supervisors in  
15 File No. \_\_\_\_\_ and is incorporated herein by reference.

16 Section 2. The Vacation Area, as shown on SUR Map No. \_\_\_\_\_, is hereby  
17 ordered vacated and pursuant to California Streets and Highways Code Sections 8300 et seq.  
18 and Public Works Code Section 787(a).

19 Section 3. Transfer of Formerly Vacated Portions of 19<sup>th</sup> Street bisecting Mission  
20 Dolores Park and the Vacation Area. (a) On \_\_\_\_\_, the Board of Supervisors  
21 adopted Resolution No. \_\_\_\_\_, a copy of which is on file with the Clerk of the Board  
22 of Supervisors in File No. \_\_\_\_\_, being a Resolution declaring the vacation of a portion  
23 of the public right-of-way on portions of 19<sup>th</sup> Street that bisect Mission Dolores Park (the  
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1 "Transfer Area"). The location and extent of the Transfer Area is shown on the Department of  
2 Public Works' SUR Map No. \_\_\_\_\_.

3 (b) The Board of Supervisors hereby determines that the Vacation Area and Transfer  
4 Area can be used most advantageously by the Recreation and Park Department, and  
5 therefore, approves the transfer of jurisdiction of the Vacation Area and Transfer Area from  
6 DPW to the Recreation and Park Department at no cost.

7 Section 4. All actions heretofore taken by the officers of the City with respect to this  
8 Ordinance are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board,  
9 Director of the Division of Real Estate, County Surveyor, and DPW Director are hereby  
10 authorized and directed to take any and all actions which they or the City Attorney may deem  
11 necessary or advisable in order to effectuate the purpose and intent of this Ordinance  
12 (including, without limitation, the finalization of the jurisdictional transfers for the Vacation Area  
13 and the Transfer Area, the filing of the Ordinance in the Official Records of the City and  
14 County of San Francisco; and confirmation of satisfaction of any of the conditions to the  
15 effectiveness of the vacation of the Vacation Area hereunder and execution and delivery of  
16 any evidence of the same, which shall be conclusive as to the satisfaction of such conditions  
17 upon signature by any such City official or his or her designee).

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20 APPROVED AS TO FORM:  
21 DENNIS J. HERRERA, City Attorney

22 By: \_\_\_\_\_  
23 John D. Malamut  
24 Deputy City Attorney  
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