

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

3 **Ordinance: 1) ordering the vacation of a portion of 19th Street located in Mission**
4 **Dolores Park and at the western intersection of 19th and Dolores Streets adjacent to**
5 **Mission Dolores Park; 2) approving the jurisdictional transfer of such portions of public**
6 **right-of-way from the Department of Public Works to the Recreation and Park**
7 **Department; 3) adopting environmental findings and findings that the actions**
8 **contemplated herein are consistent with the City's General Plan and Planning Code**
9 **Section 101.1; and 4) authorizing official acts in connection with this Ordinance.**

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

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

14 Section 1. Findings

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

24 (b) The Clerk of the Board of Supervisors did transmit to the Director of the
25 Department of Public Works a certified copy of the Resolution of Intention, and the Director of

1 the Department of Public Works did cause notice of adoption of such Resolution to be posted
2 and published in the manner required by law.

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

6 (d) The Vacation Area comprises: (1) a portion of 19th Street that bisects Mission
7 Dolores Park and (2) a portion of 19th Street that is located along the sidewalk bordering the
8 eastern side of Mission Dolores Park on an area known as the "pad," which serves as a drop
9 off and truck loading zone. Mission Dolores Park is bounded by Dolores Street on the east,
10 Church Street on the west, 18th Street on the north, and 20th Street on the south. A formerly
11 vacated portion of 19th Street bisects the Park.

12 (e) The Recreation and Park Department seeks a transfer of the Vacation Area from
13 the Department of Public Works to Recreation and Park Department jurisdiction.

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

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

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

3 (i) In DPW Order No. _____, dated _____, the Director of the
4 Department of Public Works ("DPW Director") determined: (a) the Vacation Area is
5 unnecessary for the City's present or prospective public street, sidewalk, and service
6 easement purposes; (b) jurisdictional transfer of the Vacation Area from the Department of
7 Public Works to the Recreation and Park Department at no cost, subject to use conditions, is
8 a policy matter for the Board; and (c) there are no physical public or private utilities affected by
9 the vacation of the Vacation Area. A copy of the DPW Order is on file with the Clerk of the
10 Board of Supervisors in File No. _____ and is incorporated herein by reference.

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

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

19 (l) The Board of Supervisors adopts as its own, the recommendations of the Director of
20 the Department of Public Works as set forth in DPW Order No. _____ concerning the
21 vacation of the Vacation Area and other actions in furtherance thereof.

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

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

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

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

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

17 Section 3. Interdepartmental transfer of the Vacation Area. Notwithstanding the
18 procedures set forth in Administrative Code Chapter 23, the Board of Supervisors hereby
19 determines that the Vacation Area can be used most advantageously by the Recreation and
20 Park Department, and therefore, approves the transfer of jurisdiction of the Vacation Area
21 from DPW to the Recreation and Park Department at no cost.

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

9 Section 5. Effective Date. This ordinance shall become effective 30 days from the
10 date of passage.

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14 APPROVED AS TO FORM:
15 DENNIS J. HERRERA, City Attorney

16 By: _____
17 John D. Malamut
18 Deputy City Attorney
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