

1 [Resolution of Intent - Street Vacation - Hunters View Phase 2 - West Point Road]

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3 **Resolution declaring the intention of the Board of Supervisors to vacate a portion of**
4 **West Point Road and various public service easements in the Hunters View Phase 2**
5 **Project and setting a hearing date of March 18, 2014, for all persons interested in the**
6 **proposed vacation of said street areas.**

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8 WHEREAS, The Hunters View Phase 2 Project will subdivide land into 5 developable
9 lots with new public streets and will provide 377 residential units and 1 commercial unit; and,

10 WHEREAS, This vacation proceeding for a portion of West Point Road and certain
11 public service easements (collectively, the "Vacation Area") for the City, is conducted under
12 the general vacation procedures of the Public Streets, Highways and Service Easements
13 Vacation Law (California Streets and Highways Code, sections 8300 et seq.); and,

14 WHEREAS, Section 787(a) of the San Francisco Public Works Code provides that
15 the street vacation procedures for the City and County of San Francisco (the "City") shall be
16 in accordance with the applicable provisions of the California Streets and Highways Code
17 and such rules and conditions as are adopted by the Board of Supervisors; and,

18 WHEREAS, The location and extent of the Vacation Area is more particularly
19 described on the Department of Public Works' SUR Map No. 2013-02, dated December 31,
20 2013, copy of said map is on file with the Clerk of the Board of Supervisors in File No.
21 140029; and,

22 WHEREAS, In DPW Order No. 182,055, dated December 24, 2013, a copy of which
23 is on file with the Clerk of the Board of Supervisors in File No. 140029, the Director of the
24 Department of Public Works determined: (a) the Vacation Area is no longer necessary for
25 the City's present or prospective future public street and sidewalk and public service

1 easement purposes; (b) In accordance with Streets and Highways Code, Section 892 and
2 8314, the right-of-way and parts thereof proposed for vacation are no longer useful as a
3 nonmotorized transportation facility, as defined in Section 887, because the design of the
4 Hunters View Project contains new facilities for bicycle and pedestrian movement that are
5 equal to or in excess of what may currently exist; (c) the proposed quitclaim of public right-
6 of-way is consistent with the Hunters View Project; (d) the value of such exchange for future
7 public right-of-way and other public benefits is equal or in favor of the City; and (e) there are
8 no physical public utility or private facilities within the Vacation Area except PG&E for power
9 transmission purposes and other City utilities; and,

10 WHEREAS, The public interest, convenience and necessity require that the City
11 reserve from the vacation of the Vacation Area a non-exclusive easement for the benefit of
12 the City for various public utilities thereto in, upon, over and under that certain portion of the
13 Vacation Area in which their respective in-place and functioning facilities are located, to the
14 extent necessary to maintain, operate, repair and remove existing lines of pipe and other
15 convenient structures, equipment and fixtures for the City utilities, together with reasonable
16 access to the foregoing facilities for the purposes set forth above and acknowledge PG&E's
17 existing easement rights. This reservation shall be for a temporary easement for City
18 utilities that will terminate upon the improvement and acceptance of new replacement
19 facilities; and,

20 WHEREAS, The Planning Department, in a letter dated July 5, 2013, determined that
21 the proposed vacation is, on balance, consistent with the General Plan and the priority
22 policies of Planning Code, Section 101.1. A copy of said letter is on file with the Clerk of the
23 Board of Supervisors in File No.140029 and is incorporated herein by reference; and,

24 WHEREAS, Subject to the reservations and conditions specified in this Resolution,
25 none of the Vacation Area is necessary for present or prospective public use; and,

1 WHEREAS, Except as specifically provided above, the public interest, convenience,
2 and necessity require that no other easements or other rights be reserved for any public or
3 private utility facilities that are in place in the Vacation Area and that any rights based upon
4 any such public or private utility facilities be extinguished; now, therefore, be it

5 RESOLVED, That under sections 8320 et seq. of the California Streets and Highway
6 Code, the Board of Supervisors hereby declares that it intends to order the vacation of the
7 Vacation Area as shown on the SUR Map No. 2013-02, which are incorporated herein by
8 reference; and, be it

9 FURTHER RESOLVED, That notice is hereby given that on March 18, 2014, at 3:00
10 P.M. in the Legislative Chambers of the Board of Supervisors, all persons interested in or
11 objecting to the proposed vacation will be heard; and, be it

12 FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board
13 to transmit to the Department of Public Works a certified copy of this Resolution, and the
14 Board of Supervisors directs the Director of Public Works and the Clerk of the Board to
15 publish and post this Resolution and to give notice of the hearing of such contemplated
16 action in the manner required by law.

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