

1 [Summary Street Vacation - Portion of Raccoon Drive]

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3 **Ordinance ordering the summary street vacation of a portion of Raccoon Drive,**
4 **between Twin Peaks Boulevard and Saint Germain Avenue; approving a quitclaim of**
5 **the City's interest in the vacation area; approving a public access easement over a**
6 **portion of the vacation area; affirming the Planning Department's determination under**
7 **the California Environmental Quality Act; adopting findings that the actions**
8 **contemplated in this legislation are consistent with the General Plan, and the eight**
9 **priority policies of Planning Code, Section 101.1; and authorizing official acts in**
10 **connection with this Ordinance.**

11 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
12 **Additions to Codes** are in *single-underline italics Times New Roman font*.
13 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
14 **Board amendment additions** are in double-underlined Arial font.
15 **Board amendment deletions** are in ~~strikethrough Arial font~~.
16 **Asterisks (* * * *)** indicate the omission of unchanged Code
17 subsections or parts of tables.

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

19 Section 1. Findings.

20 (a) California Street and Highways Code Sections 8300 et seq. and Public Works
21 Code Section 787(a) set forth the procedures that the City and County of San Francisco
22 follows to vacate public streets and public service easements. California Street and Highways
23 Code Sections 8330 et seq. permits the summary vacation of a public street or public service
24 easement if certain conditions are satisfied.
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1 (b) The Board of Supervisors finds it appropriate to pursue a street vacation of a
2 portion of Raccoon Drive between Twin Peaks Boulevard and Saint Germain Avenue, in
3 Assessor's Block 2720.

4 (c) The location and extent of the area to be vacated (the "Vacation Area") is more
5 particularly shown on the Department of Public Works' ("DPW") SUR Map No. 2013-004,
6 dated October 10, 2013. A copy of this map is on file with the Clerk of the Board of
7 Supervisors in File No. _____ and is incorporated herein by reference.

8 (d) The Vacation Area is an undeveloped triangular parcel of land at the intersection of
9 Raccoon Drive, Twin Peaks Boulevard, and Saint Germain Avenue.

10 (e) Vacation of the Vacation Area will allow the adjacent property owner to proceed
11 with a project that will include the construction of public stairways to improve pedestrian
12 access, stepped retaining walls, and landscaping.

13 (f) Section 8334(a) of the California Streets and Highways Code provides that the
14 legislative body of a local agency may summarily vacate an excess right-of-way of a street,
15 highway or public easement under certain circumstances.

16 (g) In DPW Order No. _____, dated _____, the Director of the Department
17 of Public Works (the "DPW Director") determined: (1) the Vacation Area is excess right-of-
18 way that can be summarily vacated under California Streets and Highways Code Section
19 8334(a); (2) the Vacation Area is unnecessary for the City's present or prospective public
20 street, sidewalk, and service easement purposes; (3) there are no functioning in-place public
21 or private utility facilities that would be affected by the vacation of the Vacation Area, which
22 allows the City to proceed with a summary street vacation under Streets and Highways Code
23 Section 8334.5; (4) pursuant to the Streets and Highways Code Section 892, the Vacation
24 Area hereunder is a small and irregularly shaped parcel of land unusable for any independent
25 purpose, and therefore, it has no use for a nonmotorized transportation facility; (5) the public

1 interest, convenience, and necessity require that the City obtain a public access easement for
2 a portion of the Vacation Area; (6) the public convenience and necessity require that no other
3 easements or other rights be reserved for any public or private utility facilities that are in place
4 in the Vacation Area and that any rights based upon any such public or private utility facilities
5 shall be extinguished automatically upon the effectiveness of the vacation; and (7) it is a
6 policy matter for the Board of Supervisors to quitclaim the City's interest in the Vacation Area
7 to the Vaughn R. Walker Revocable Trust. A copy of the DPW Order is on file with the Clerk
8 of the Board of Supervisors in File No. _____.

9 (h) The DPW Director also recommends that the effectiveness of the street vacation
10 be conditioned on simultaneous recordation of the City's quitclaim deed and a public access
11 easement. The Board of Supervisors adopts as its own, the recommendations of the DPW
12 Director as set forth in DPW Order No. _____ concerning the vacation of the Vacation
13 Area and other actions in furtherance thereof and the Board hereby incorporates such
14 recommendations and findings by reference as though fully set forth herein.

15 (i) A draft quitclaim deed and a draft public access easement are on file with the Clerk
16 of the Board of Supervisors in File No. _____. The Board of Supervisors acknowledges
17 the recommendation of the Director of the Division of Real Estate as referenced in the DPW
18 Order to approve the real estate transactions contemplated in this legislation.

19 (j) The Director of Planning, by letter dated September 11, 2013, found that the
20 vacation of the Vacation Area and other actions contemplated in this legislation are consistent
21 with the City's General Plan and with the eight priority policies of City Planning Code Section
22 101.1. This letter is on file with the Clerk of the Board of Supervisors under File No.
23 _____. The Board of Supervisors adopts as its own, the recommendations of the Director
24 of Planning as set forth in the abovementioned letter concerning and the Board hereby
25 incorporates such recommendations and findings by reference as though fully set forth herein.

1 (k) The Planning Department has determined that the actions contemplated in this
2 ordinance comply with the California Environmental Quality Act (California Public Resources
3 Code Sections 21000 et seq.). The Board hereby affirms this determination. Said
4 determination is on file with the Clerk of the Board of Supervisors in File No. _____
5 and is incorporated herein by reference.

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7 Section 2. Summary Vacation and Conditions.

8 (a) The Board of Supervisors hereby summarily vacates the Vacation Area, as shown
9 on SUR Map No. 2013-004, upon satisfaction of the conditions described in this Ordinance
10 and pursuant to California Street and Highways Code Section 8300 et seq. and Public Works
11 Code Section 787(a).

12 (b) The Board of Supervisors finds that the Vacation Area is unnecessary for present
13 or prospective public use, subject to the conditions described in this Ordinance.

14 (c) The public interest and convenience require that the vacation be done as declared
15 in this Ordinance.

16 (d) The Street Vacation shall be effective automatically and without the requirement for
17 further action whatsoever, as to all of the Vacation Area, upon satisfaction of the following:

18 (1) simultaneous recording of the City's quitclaim deed and a public access
19 easement, both in substantially the same form as the draft quitclaim deed and a draft public
20 access easement on file with the Clerk of the Board of Supervisors in File No. _____.

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22 Section 3. Real Property Transactions.

23 (a) The Board approves the issuance of a quit claim deed of the City's interest in the
24 Vacation Area to the Vaughn R. Walker Revocable Trust in substantially the same form as on
25 file with the Clerk of the Board of Supervisors.

1 (b) The Board approves the public access easement from the Vaughn R. Walker
2 Revocable Trust to the City as part of this street vacation action in substantially the same form
3 as on file with the Clerk of the Board of Supervisors.

4 (c) The Board delegates to the Director of the Division of Real Estate, in consultation
5 with the City Attorney's Office, the authority to finalize and execute the quit claim deed and
6 easement mentioned above on behalf of the City and County of San Francisco in accordance
7 with the terms set forth in this legislation.

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9 Section 4. Official Acts in Connection with the Legislation.

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

20 (b) Immediately upon the effective date of this vacation, this ordinance shall be
21 recorded.

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23 Section 5. Effective Date. This ordinance shall become effective 30 days after
24 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
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1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

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4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By: _____
7 Susan Cleveland-Knowles
8 Deputy City Attorney

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