1 [Easement Acceptance - Public Sidewalk Easement Along Shipley Street Adjacent to 923
   Folsom Street]

2

3 **Resolution accepting a public sidewalk easement on Shipley Street adjacent to the**

4 **development project at 923 Folsom Street; adopting the Public Works Order**

5 **concerning the easement; making findings under the California Environmental Quality**

6 **Act; and adopting findings that the sidewalk easement is consistent with the General**

7 **Plan, and the eight priority policies of Planning Code, Section 101.1.**

8

9   WHEREAS, On September 22, 2017, 923 Folsom Acquisition LLC, a limited liability

10 company, made an irrevocable offer ("Offer") of a public sidewalk easement over its property

11 facing Shipley Street; and

12   WHEREAS, Copies of said Offer and the public sidewalk easement are on file with the

13 Clerk of the Board of Supervisors in File No. 171257 and are incorporated herein by

14 reference; and

15   WHEREAS, In Public Works Order No. 186647 (the "Order"), dated October 31, 2017,

16 the Public Works Director (the "Director") determined and the City Engineer certified that the

17 improvements have been constructed in accordance with all City codes, regulations, and

18 standards, and that they are ready for their intended use; and

19   WHEREAS, In his Order, the Director also recommended that the public interest,

20 convenience, and necessity require that the City obtain a non-exclusive easement for

21 pedestrian passage on, over, under, and within that portion of Shipley Street fronting the

22 development project at 923 Folsom Street and that the Board of Supervisors accept the Offer

23 and the public sidewalk easement; and

24   WHEREAS, A copy of the Director's Order is on file with the Clerk of the Board of

25 Supervisors in File No. 171257 and is incorporated herein by reference; and

Supervisor Kim
BOARD OF SUPERVISORS

1 WHEREAS, The Board adopts the findings of the Director as its own; and

2 WHEREAS, On July 24, 2014, the Planning Commission in Motion No. 19205

3 (Planning Case No. 2012.1333X), authorized a Large Project Authorization for 923 Folsom

4 Street (subject to conditions of approval and a mitigation monitoring and reporting program),

5 and incorporated its prior findings under the California Environmental Quality Act for the

6 Eastern Neighborhoods Plan (Motion No. 17661) and determined that no further

7 environmental review was required; and

8 WHEREAS, This Board has reviewed the Eastern Neighborhoods Area Plan Final

9 Environmental Impact Report, and Planning Motion No. 19205 is on file with the Clerk of the

10 Board of Supervisors in File No. 171257 and the CEQA findings contained in Planning Motion

11 No. 19205 are incorporated herein by reference; now, therefore, be it

12 RESOLVED, The Board of Supervisors has reviewed and approves Order No. 186647,

13 dated October 31, 2017, which includes the City Engineer's certification and Director's

14 recommendation concerning the acceptance of the Offer and public sidewalk easement; and,

15 be it

16 FURTHER RESOLVED, The Board of Supervisors adopts as its own the Planning

17 Commission environmental findings and the General Plan, and Planning Code, Section 101.1

18 consistency findings for the reasons set forth in the Planning Commission Motion No. 19205;

19 and, be it

20 FURTHER RESOLVED, The Board of Supervisors accepts the Offer and public

21 sidewalk easement from 923 Folsom Acquisition LLC; and, be it

22 FURTHER RESOLVED, The Board of Supervisors hereby delegates authority to the

23 Director of Property to execute the public sidewalk easement, and to enter into any

24 amendments or modifications to the easement that the Director of Property, in consultation

25 with the City Attorney and the Director, determines are necessary or advisable to effectuate

1   the purposes of the public sidewalk easement or this Resolution, and are in compliance with

2   all applicable laws; and, be it

3   FURTHER RESOLVED, That within thirty (30) days of the agreement being fully

4   executed by all parties, the Real Estate Division shall provide the agreement to the Clerk of

5   the Board for inclusion into the official file.

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