



Mark Farrell, Mayor
Mohammed Nuru, Director

Bruce R. Storrs, City and County Surveyor

Public Works Order No: 187699

Determination to recommend vacating a portion of Burnett Avenue North, generally bounded by Assessor's Block 2719C, Assessor's Block 2745 and Burnett Avenue, pursuant to California Streets and Highways Code Sections 8300 *et seq.* and Section 787 of the San Francisco Public Works Code.

WHEREAS, Most public streets and sidewalks are owned by the City and County of San Francisco as a public right-of-way; and

WHEREAS, Burnett Avenue North, generally bounded by Assessor's Block 2719C, Assessor's Block 2745 and Burnett Avenue, the area to be vacated ("the Vacation Area"), is specifically shown on SUR Map 2018-001, dated May 9, 2018; and

WHEREAS, On January 10, 2018, the Department of City Planning (Case No. 2017-009541GPR) found that the proposed vacation is on balance in conformity with the General Plan and Planning Code Section 101.1. In that same letter, the Planning Department also issued a determination the under the California Environmental Quality Act.

WHEREAS, Pursuant to the California Streets and Highway Code, Public Works, Bureau of Street Use and Mapping (the "Department") has initiated the process to vacate the Vacation Area; and

WHEREAS, The Department sent notice of the proposed street vacation, draft SUR drawing, a copy of the petition letter, and a PW referral letter to the Department of Technology, San Francisco Municipal Transportation Agency, AT&T, Sprint, San Francisco Fire Department, San Francisco Water Department, Pacific Gas and Electric ("PG&E"), Bureau of Light, Heat and Power, Bureau of Engineering, Department of Parking and Traffic, Utility Engineering Bureau, and the Public Utility Commission ("PUC"). No utility company or agency objected to the proposed vacation, and the Vacation Area is unnecessary for the City's present or prospective public street purposes; and

WHEREAS, The applicant attempted to obtain the consent of all property owners adjacent to the Vacation Area; and

WHEREAS, The public interest, convenience, and necessity require that, except as specifically provided herein, no other easements or other rights should be reserved by City for any public or private utilities or facilities that may be in place in the Vacation Area and that any rights based



upon any such public or private utilities or facilities are unnecessary and should be extinguished; and

WHEREAS, Pursuant to the Streets and Highways Code Section 892, the Department determines that the Vacation Area is unnecessary for non-motorized transportation as there are multiple streets surrounding that Vacation Area that remain available for such transportation and those members of the public availing themselves of non-motorized transportation will not be inconvenienced by the proposed street vacation; and

WHEREAS, The vacation is being carried out pursuant to the California Streets and Highways Code sections 8300 et seq.

WHEREAS, The vacation is being carried out pursuant to section 787 of the San Francisco Public Works Code.

WHEREAS, The vacation of the Vacation Area is in connection with the settlement of litigation between the City and the owner of Assessor's Block No. 2745, Lot 036. Legislation approving the Settlement Agreement is on file with the Clerk of the Board of Supervisors in File No. 171004.

WHEREAS, The Vacation Area shall be developed and serve as a method of ingress and egress from Assessor's Block No. 2745, Lot 036, to the Burnett Avenue public right-of-way, the open and relocated street that replaced Burnett Avenue North..

WHEREAS, The Vacation Area is excess right-of-way, has not been used for more than 5 years, and there are no in-place functioning utilities.

WHEREAS, The public interest, convenience and necessity require that, except as provided in this Order, no other easements or other rights be reserved for any public or private utilities or facilities that are in place in such vacation area and that any rights based upon any such public or private utilities or facilities may be extinguished.

WHEREAS, the effectiveness of the street vacation shall be conditioned prior recordation of a driveway easement as described in the Agreement for Sale of Real Estate (the "Purchase Agreement," attached as Exhibit C to the Settlement Agreement and Mutual Releases and Exhibits ("Settlement Agreement")) contained in Board of Supervisors File No. 171004

WHEREAS, The Director of the Real Estate Division has negotiated a purchase and sale agreement and a quitclaim for the Vacation Area. Approval of the real estate transaction is a policy matter for the Board of Supervisors

NOW THEREFORE BE IT ORDERED THAT,

The Director approves all of the following documents either attached hereto or referenced herein:

1. Ordinance to vacate the Vacation Area;
2. Vacation Area SUR Map No. 2018-001

The Director recommends that the Board of Supervisors move forward with the legislation to vacate said Vacation Area.



The Director further recommends the Board of Supervisors authorize the Mayor, Clerk of the Board, Director of Property, County Surveyor, and Director of Public Works to take any and all actions which they or the City Attorney may deem necessary or advisable in order to effectuate the purpose and intent of this Ordinance.

Attachments:

1. SUR Map NO. 2018-001, dated May 9, 2018.
2. Planning Department letter, dated November 26, 2014.

5/15/2018

5/15/2018

X Bruce R. Storrs

Storrs, Bruce
City and County Surveyor
Signed by: Storrs, Bruce

X Edgar Lopez

Nuru, Mohammed
Director
Signed by: Lopez, Edgar

