

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 19-0100

WHEREAS, On August 18, 1995 pursuant to Ordinance No. 271-95, the Board of Supervisors vacated a portion of Third Street to facilitate the Mission Bay development, and Section 7 of that ordinance reserved an easement (“Easement”) to the San Francisco Public Utilities Commission (SFPUC) for a hydrant and water line in the vicinity of the intersection of Third Street and China Basin Street; and

WHEREAS, Ordinance No. 271-95, including the Easement, was recorded on August 24, 1995 in the San Francisco Official Records as Document 95-F837202, Reel G452, Image 435 and the Easement is further referenced in the Department of Public Works’ SUR Map No 595; and

WHEREAS, On March 6, 2018, the Board of Supervisors approved Ordinance No. 33-18 authorizing a Development Agreement between the City and County of San Francisco and Seawall Lot 337 Associates, LLC for the Mission Rock Project (Project) and this Commission consented to the Development Agreement through SFPUC Resolution No. 18-0014 on January 23, 2018; and

WHEREAS, The Easement is within the project area for the Mission Rock Project and termination of the Easement is necessary to implement the Project, a mixed-use development project in property presently under the Port’s jurisdiction; and

WHEREAS, SFPUC staff has determined that there are no existing SFPUC facilities in the Easement area and the SFPUC has no present or future need to install new facilities in the Easement area; and

WHEREAS, In accordance with the Development Agreement and other Project documents, SFPUC staff anticipates accepting new water, power, sanitary and storm drain infrastructure and related property rights as part of the Project and such new assets and property rights would exceed the value of the Easement; and

WHEREAS, California Streets and Highways Code Section 8300 *et seq.* and San Francisco Public Works Code Section 787(a) set forth the procedures that the City follows to vacate a public service easement and in accordance with the prescribed procedures, the San Francisco Board of Supervisors will consider authorization of an ordinance providing for the vacation of the Easement; now, therefore, be it

RESOLVED, That this Commission hereby finds that the Easement is surplus to the SFPUC’s utility needs and authorizes the General Manager of the SFPUC and/or City’s Director of Property to negotiate the terms of a document terminating the Easement; and be it

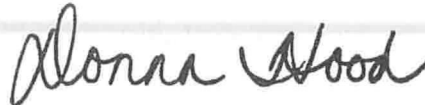
FURTHER RESOLVED, That this Commission hereby finds that, upon meeting the relevant conditions set forth in California Streets and Highways Code Section 8300 *et seq.* and San Francisco Public Works Code Section 787(a), the Easement may be terminated; and be it

FURTHER RESOLVED, That this Commission hereby ratifies, approves and authorizes all actions heretofore taken by any City official in connection with the Easement termination; and, be it

FURTHER RESOLVED, That this Commission hereby authorizes the SFPUC General Manager and/or the Director of Property to enter into any amendments or modifications to the Easement termination documents, including without limitation, the exhibits, that the General Manager or Director of Property determines, in consultation with the City Attorney, are in the best interest of the City; do not materially increase the obligations or liabilities of the City; are necessary or advisable to effectuate the purposes and intent of the Easement termination or this resolution; and are in compliance with all applicable laws, including the City Charter; and be it

FURTHER RESOLVED, That upon approval by City's Board of Supervisors and the Mayor, this Commission authorizes the Director of Property and/or the General Manager of the SFPUC to take any and all other steps they, in consultation with the City Attorney, deem necessary and advisable to effectuate the purpose and intent of this Resolution.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of May 28, 2019.



Secretary, Public Utilities Commission
