

1 [Administrative, Public Works Codes - Recording of Jurisdictional Transfers and Street
2 Vacations]

3 **Ordinance amending the Administrative Code and Public Works Code to require that**
4 **any resolution approving a jurisdictional transfer of real property (a transfer of the**
5 **authority over City-owned real property between City departments) be recorded in the**
6 **Office of the Recorder together with a legal description and map of the real property; to**
7 **require that any petition to the Board of Supervisors for a street vacation include a**
8 **legal description and County Surveyor-approved map, and that the Clerk of the Board**
9 **record in the Office of the Recorder a copy of the adopted ordinance together with the**
10 **legal description and map; and affirming the Planning Department’s determination**
11 **under the California Environmental Quality Act.**

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

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

19 Section 1. The Planning Department has determined that the actions contemplated in
20 this ordinance comply with the California Environmental Quality Act (California Public
21 Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the
22 Board of Supervisors in File No. 190810 and is incorporated herein by reference. The Board
23 affirms this determination.

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1 Section 2. Article II of Chapter 23 of the Administrative Code is hereby amended by
2 revising Section 23.19, to read as follows:

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4 **SEC. 23.19. RECORD OF TRANSFER.**

5 (a) Any resolution transferring any Real Property from one department to another under this
6 Article II shall identify the Assessor's Parcel Number (if any) and shall be accompanied by a plat map
7 and verified legal description, or, if there is no verified legal description, shall be accompanied instead
8 by an Assessor's Block Map and narrative description referencing the Assessor's Block Map that
9 includes sufficient information to identify the geographic location and dimensions of the Real Property
10 being transferred; and shall include the receiving department's mailing address for tax bills and
11 notices. For purposes of this Section 23.19, a "verified legal description" is ~~either the legal~~
12 ~~description in the City's title insurance policy for the Real Property or a legal description~~
13 approved by the County Surveyor. Upon introduction of the resolution, the requesting department shall
14 submit the map, description, and department mailing address required in this subsection (a) to the
15 Clerk of the Board of Supervisors.

16 (b) When the Board of Supervisors adopts any resolution transferring any Real
17 Property within the City and County of San Francisco from one department to another under this
18 Article II, the Clerk of the Board of Supervisors shall cause a certified copy of the adopted resolution,
19 including map and description to be recorded without acknowledgment, certificate of acknowledgment,
20 or further proof, in the Office of the Recorder. The Office of the Recorder shall not charge a recording
21 fee in connection with this recordation. For all transfers of any Real Property from one department to
22 another under this Article, the Director of Property shall keep a digital copy of the resolution in
23 ~~his or her~~ the Director's office and make the necessary record of the transfer.

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1 Section 3. Article 15 of the Public Works Code is hereby amended by revising Section
2 787, to read as follows:

3 **SEC. 787. STREET VACATIONS.**

4 (a) Upon petition to the Board of Supervisors for any street vacation, the Board of
5 Supervisors will refer the request to the Director of Public Works for investigation and
6 recommendation. The street vacation procedure shall be in accordance with the applicable
7 provisions of the Streets and Highways Code of the State of California and such rules and
8 conditions adopted by the Board of Supervisors. The Department of Public Works shall submit to
9 the Board of Supervisors with any petition submitted by the Department of Public Works or any
10 recommendation regarding a street vacation, a legal description, the Assessor's Parcel Number(s) or
11 reserved Assessor's Parcel Number(s), and a County Surveyor-approved map of the area.

12 (b) The Clerk of the Board of Supervisors shall cause a certified copy of any adopted ordinance
13 of vacation, together with the information required in subsection (a), and attested by the Clerk under
14 seal, to be recorded without acknowledgment, certificate of acknowledgment, or further proof, in the
15 Office of the Recorder. The Office of the Recorder shall not charge a recording fee for this
16 recordation.

17 (bc) The Board of Supervisors finds that unimproved streets in the Bernal Heights area
18 are an important open space resource to the citizens in the area where the lots are small, the
19 streets are narrow, and space is at a premium. Therefore the Board of Supervisors declares
20 that it is the policy of the City and County of San Francisco not to vacate unimproved streets
21 and sell, transfer, or relinquish its interest in the underlying property to private ownership in
22 the Bernal Heights area bounded by Army Street on the north, Mission Street on the west,
23 Interstate 280 on the south and Highway 101 on the east except not to include Esmeralda
24 Avenue, between Brewster Street and Holladay Avenue. These streets shall be kept as open
25 space, unless the Board of Supervisors finds that the streets are needed for public passage

1 and proposes to improve and accept them for the same purpose.

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3 Section 4. Effective Date. This ordinance shall become effective 30 days after
4 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
5 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
6 of Supervisors overrides the Mayor's veto of the ordinance.

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8 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
9 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
10 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
11 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
12 additions, and Board amendment deletions in accordance with the "Note" that appears under
13 the official title of the ordinance.

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15 Section 6. Severability. If any section, subsection, sentence, clause, phrase, or word
16 of this ordinance, or any application thereof to any person or circumstance, is held to be
17 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
18 shall not affect the validity of the remaining portions or applications of the ordinance. The
19 Board of Supervisors hereby declares that it would have passed this ordinance and each and
20 every section, subsection, sentence, clause, phrase, and word not declared invalid or

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1 unconstitutional without regard to whether any other portion of this ordinance or application
2 thereof would be subsequently declared invalid or unconstitutional.

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

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8 By: _____
9 EILEEN K. CHAUVET
10 Deputy City Attorney
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