

## LEGISLATIVE DIGEST

[Grant of Easement - Millennium Tower Association - Millennium Tower 301 Mission Perimeter Pile Upgrade Project - \$0]

**Ordinance approving an Easement Deed and Agreement between the City and County of San Francisco and Millennium Tower Association, for certain surface and subsurface rights in a portion of the sidewalk on the southern side of Mission Street at the intersection of Mission and Fremont Streets and on the eastern side of Fremont Street at the same intersection, for \$0, to allow a structural upgrade of the 301 Mission Street high-rise building known as Millennium Tower, contingent on a number of events, including court approval of a class action settlement of the Millennium Tower Litigation; waiving requirements of Administrative Code, Chapter 23; authorizing the Director of Property to execute real estate documents, make certain modifications, and take actions in furtherance of this Ordinance, as defined herein; adopting environmental findings under the California Environmental Quality Act; and adopting findings that the easement is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

### Existing Law

Administrative Code Chapter 23 sets forth the policies and procedures applicable to the conveyance and acquisition of real property owned by the City.

### Amendments to Current Law

The ordinance would approve the Easement Deed and Agreement between the City and Millennium Tower Association for certain surface and subsurface rights in the sidewalk portions of Mission Street and Fremont Street fronting the 301 Mission Street high-rise building known as Millennium Tower to allow a structural upgrade of the building. The conveyance and recordation of the easement is contingent on a number of events, including court approval of a class action settlement of the Millennium Tower Litigation. The ordinance would adopt various findings associated with these actions, including environmental findings under the California Environmental Quality Act and General Plan and Planning Code Section 101.1 findings. The ordinance would also waive the requirements of Administrative Code Chapter 23 with respect to the easement and authorize the Director of Property to execute the easement and related real estate documents.

### Background Information

This ordinance is companion legislation to Board of Supervisors actions approving a public trust exchange for portions of public right-of-way affected by the 301 Mission Street Millennium Tower structural upgrade project, vacating portions of the public right-of-way for the project, and approving settlement of the Millennium Tower Litigation. The Millennium

FILE NO. 200442

Tower Litigation involves claims arising out of the settlement and tilt of the Millennium Tower building. Under the terms of the global settlement of the Millennium Tower Litigation approved by the Board of Supervisors, the City agreed to grant the easement. The global settlement, and the City's obligation to grant and record the easement, are contingent on the occurrence of a number of events, including court approval of the class action settlement agreement and dismissal of the City from all cases in the Millennium Tower Litigation to which the City is a party.

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