### SUBSTITUTED 8/25/20

 [Mission Bay South - Acceptance of Public Infrastructure Improvements - Official Sidewalk Width Change]
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3 Ordinance accepting certain public infrastructure improvements for purposes of City maintenance and liability, including the streets and stormwater pump station in the 4 Mission Bay South Redevelopment Plan, as listed herein; declaring City property and 5 6 additional property as shown on official Public Works maps as open public right-of-7 way; dedicating the public infrastructure associated with the projects listed herein for 8 public use and designating such public infrastructure for public street and roadway 9 purposes; establishing official public right-of-way widths and street grades; amending 10 Ordinance No. 1061, entitled "Regulating the Width of Sidewalks," to establish official 11 sidewalk width on the subject streets; accepting the public infrastructure for City maintenance and liability purposes, subject to specified limitations; renaming the 12 13 historic waterway portion of Channel Street to Mission Creek from Seventh Street to Third Street; renaming Channel as Channel Street and naming unnamed portions of 14 that street Channel Street covering the entire segment of this street between Third and 15 16 Carolina Streets; renaming El Dorado Street North and El Dorado Street South to Corinne Woods Way; adopting findings under the California Environmental Quality Act; 17 18 making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and the Mission Bay South Redevelopment Plan; and 19 authorizing official acts in connection with this Ordinance, as defined herein. 20 21 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font. Additions to Codes are in single-underline italics Times New Roman font. 22 Deletions to Codes are in strikethrough italics Times New Roman font. Board amendment additions are in double-underlined Arial font. 23 Board amendment deletions are in strikethrough Arial font. Asterisks (\* \* \* \*) indicate the omission of unchanged Code

- 24 subsections or parts of tables.
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Be it ordained by the People of the City and County of San Francisco:

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## Section 1. Background and Findings.

(a) All capitalized terms in this ordinance relating to Mission Bay have the definitions 4 ascribed to them under the Mission Bay South Redevelopment Plan (the "Plan") and Plan 5 6 Documents described therein, which the City approved in 1998 in Ordinance No. 335-98, a copy of which is on file with the Clerk of the Board of Supervisors in File No. 981441. 7

8 (b) In Public Works ("PW") Order No. 203351, dated July 1, 2020, the City Engineer 9 certified and the Public Works Director ("PW Director") recommended to the Board of Supervisors that it accept the various Mission Bay South public infrastructure improvements 10 associated with the below listed projects (collectively, the "Public Infrastructure 11 12 Improvements") listed below. However, this certification and recommendation specifically 13 exclude the operation and maintenance of improvements that the City will not accept as 14 further specified in Regents of the State of California, University of California San Francisco, 15 Mission Bay campus, Master Encroachment Maintenance Agreement that the Board of Supervisors approved in Ordinance No. 159-12. A copy of PW Order No. 203351 is on file 16 17 with the Clerk of the Board of Supervisors in File No. 200700 and incorporated herein by 18 reference. A copy of the abovementioned ordinance is on file with the Clerk of the Board of 19 Supervisors in File No. 120632. The Public Infrastructure Improvements are:

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(1) Block 1 (Channel Street between Third and Fourth Streets; and a portion of 21 Third and Fourth Streets adjacent to Block 1);

- (2) Blocks 5 and 6 (China Basin Street between Fourth and Long Bridge 22
- 23 Streets; Merrimac Street between Mission Bay Boulevard North and China Basin Street;
- Mission Bay Boulevard North between Fourth and Merrimac Streets; and Mission Bay 24
- Boulevard South between Fourth and Merrimac Streets); 25

(3) Blocks 8-9-9A (Mission Rock Street between Third Street and Terry A.
 Francois Boulevard; Terry A. Francois Boulevard between Mission Rock Street and China
 Basin Street);

- 4 (4) Blocks 11-12 (Mission Bay Boulevard North between Mission Bay Circle and
  5 Merrimac Street; Mission Bay Boulevard South between Mission Bay Circle and Merrimac
  6 Street; Long Bridge Street between China Basin Street and Mission Bay Boulevard South;
  7 Channel Street between Mission Bay Circle and El Dorado Street North);
- 8 (5) Blocks 26-28 Phase 1, 2, and 3 (Third Street between Warriors Way and
  9 Mission Bay Boulevard South; Mission Bay Boulevard South between Third Street and Terry
  10 A. Francois Boulevard; Terry A. Francois Boulevard between Warriors Way and Mission Bay
  11 Boulevard South; Warriors Way between Third Street and Terry A. Francois Boulevard per
  12 Permit No. 01IE-080 for Phase 1 and Permit No. 02IE-017 for Phase 2);
- (6) Blocks 36-39 (South side of Sixteenth Street adjacent to Block 36 and Block
  39; North side of Mariposa Street adjacent to Park P26; Fourth Street between Sixteenth and
  Mariposa Streets, i.e., the portion above and below Fourth Street Plaza excluding the
  components identified in the Master Encroachment Maintenance Agreement that the Board of
  Supervisors approved in Ordinance No. 159-12; and Third Street adjacent to Block X3 and
  Block 25);
- 19 (7) Block 40 (Owens Street between Sixteenth and Mariposa Streets; Portion of
  20 Sixteenth Street adjacent to Block 40/44); and
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(8) Stormwater Pump Station No. 1.

(c) As to the Public Infrastructure Improvements listed above and in accordance with
the Mission Bay South Acquisition Agreement, the PW Director in PW Order No. 202032,
dated October 17, 2019, identified certain outstanding PW punchlist items and certain San

25 Francisco Public Utilities Commission ("SFPUC") Phase II work as described in Exhibit C of

the Acquisition Agreement (collectively, "PW Punchlist Work and SFPUC Phase II Work"). 1 2 PW Order No. 202032 recommended that despite the PW Punchlist Work and SFPUC Phase 3 II Work, the City should accept the Public Infrastructure Improvements for City maintenance 4 and liability purposes subject to: (1) future City work to address the PW Punchlist Work and 5 SFPUC Phase II Work that will occur post-acceptance and (2) reimbursement to the City for 6 all eligible costs from Acquisition Funds to the extent such Funds are available. PW Order 7 No. 202032 acknowledged that the reimbursement from Acquisition Funds must be consistent 8 with the enforceable obligations of the Successor Agency to the San Francisco 9 Redevelopment Agency, commonly known as the Office of Community Infrastructure and 10 Investment ("OCII"), and subject to any necessary authorization from the California Department of Finance. A copy of this PW Order is on file with the Clerk of the Board of 11 12 Supervisors in File No. 200700 and is incorporated herein by reference.

13 (d) PW Order No. 202032 also authorized the termination of posted performance and labor and materials bonds (in general, the "Security") for the following Public Infrastructure 14 15 Improvements: (1) Blocks 2-7; Blocks 8-9-9A; Blocks 11-12; Block 12 midblock; Blocks 26-28 Phases 1, 2, and 3; Blocks 33-34; Blocks 36-39; and Block 40; (2) Stormwater Pump Station 16 17 Nos. 1 and 5; (3) Parks P2 all phases, P5, P8, P11-11A, P19, P23-24, and P27; (4) Fifth and 18 King Street Intersection Improvements in Mission Bay North: and (5) those Public 19 Infrastructure Improvements where construction has not yet started and Security is not 20 necessary until such time as the City approves 100% improvement plans for such Public 21 Infrastructure Improvements. The PW Director found that there is alternative Security available through the Mission Bay South Acquisition Funds should such Security be 22 23 necessary to complete construction of the projects for the Public Infrastructure Improvements shown in this subsection (d) as items (1)-(4). For the Public Infrastructure Improvements 24 referenced in item (5) of this subsection (d), which include future Parks P13 and P15 and the 25

pedestrian bridge over the Mission Bay Channel, the PW Director, in the PW Director's
 discretion, will make a determination as to whether there is adequate alternate Security
 available or whether new Security shall be posted at the time the Subdivider requests permits
 for such Public Infrastructure Improvements.

(e) The SFPUC, on August 27, 2019, adopted Resolution No.19-0174. Said resolution
approved the terms of the PW Order No. 202032 in regard to the SFPUC Phase II Work that
involves future SFPUC work subject to OCII reimbursement under the conditions specified in
the PW Order. A copy of said resolution is on file with the Clerk of the Board of Supervisors in
File No. 200700 and is incorporated herein by reference.

(f) In PW Order No. 203351, the City Engineer and the PW Director found and certified 10 that: (1) the Public Infrastructure Improvements are currently on a portion of City-jurisdictional 11 12 property located on portions of State Trust Parcel 2 and a portion of Port-jurisdictional 13 property located on portions of State Trust Parcel 5; (2) FOCIL-MB, LLC ("FOCIL"), has 14 irrevocably offered the Public Infrastructure Improvements and real property to the City as set 15 forth in the multiple FOCIL Irrevocable Offers of such Public Infrastructure Improvements (the "FOCIL Offers"); (3) the Public Infrastructure Improvements are consistent with the State 16 17 Trust; (4) Public Works inspected the acquisition facilities and determined them to be 18 complete: (5) the Improvements have been constructed in accordance with the Plans and 19 Specifications and all City codes, regulations, standards, and the Plan and Plan documents 20 governing the Pubic Infrastructure Improvements, as further addressed in PW Order No. 21 202032; and (6) they are ready for their intended use.

(g) In PW Order No. 203351, the PW Director recommended to the Board of
Supervisors that it accept the Public Infrastructure Improvements as acquisition facilities,
dedicate them to public use as open public right-of-way, designate them for street and
roadway purposes, and accept them for City maintenance and liability purposes subject to the

1 following: (1) the PW Punchlist Work and SFPUC Phase II Work conditions identified in PW 2 Order No. 202032; (2) the portions of streets being accepted for street and roadway purposes 3 are constructed from back of sidewalk to back of sidewalk, unless specified otherwise or as shown on project improvement plans; (3) acceptance of project acquisition facilities for City 4 5 maintenance and liability purposes is from back of curb to back of curb, unless specified 6 otherwise, and sidewalk maintenance is the responsibility of the adjacent property owners in 7 accordance with the Public Works Code; (4) encroachments that are permitted, not permitted, 8 or both, are excluded from acceptance; (5) the acceptance of the streets does not obviate, 9 amend, alter, or in any way affect existing maintenance agreements between the City and parties to such agreements; and (6) an acknowledgement that FOCIL's conditional 10 assignments of all warranties and guaranties to the City related to the construction of the 11 12 above listed improvements and its warranty obligations under the project permits have 13 expired. Copies of the FOCIL Offers including the grant deeds for real property are on file 14 with the Clerk of the Board of Supervisors in File No. 200700.

15 (h) In PW Order No. 203351, the PW Director also recommended establishment of public right-of-way widths, sidewalk widths, and street grades on portions of streets within 16 17 Mission Bay South in accordance with Map Nos. A-17-186 through A-17-191 and Drawing 18 Nos. Q-20-1109 through Q-20-1114. This PW Order also made recommendations for the 19 naming and renaming of streets including (1) renaming the waterway portion of historic 20 Channel Street to Mission Creek; (2) renaming Channel as Channel Street and naming 21 unnamed portions of that street Channel Street covering the entire segment of this street 22 between Third and Carolina Streets; and (3) renaming El Dorado Street North and El Dorado 23 Street South to Corinne Woods Way. Copies of these maps are on file with the Clerk of the 24 Board of Supervisors in File No. 200700.

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(i) Public Works, on behalf of the City, has taken all necessary actions to effect these
 street name establishments and name changes, including fully complying with provisions
 regarding street name changes under California Streets and Highways Code Section 970.5,
 which requires posted notice on the streets subject to a name change for at least 10 days
 prior to the Board of Supervisors hearing on this ordinance, Streets and Highways Code
 Section 5026, Government Code Section 34091.1, Public Works Code Section 423, and the
 PW informational bulletin entitled "Street Name Establishment/Street Name Change."

(j) OCII, in multiple letters (the "OCII Letters"), determined that the acceptance of the
Public Infrastructure Improvements constructed pursuant to the permits associated with each
project, and other actions set forth in this ordinance, are consistent with the Plan and Plan
Documents described in the OCII Letters. The OCII Letters also recommended that the Board
of Supervisors accept the Public Infrastructure Improvements. Copies of the OCII Letters are
on file with the Clerk of the Board of Supervisors in File No. 200700.

14 (k) The Planning Department, in multiple letters (the "Planning Department Letters"), 15 determined that the acceptance of the Public Infrastructure Improvements and other actions set forth in this ordinance are, on balance, in conformance with the General Plan and the eight 16 17 priority policies of Planning Code Section 101.1. In the Planning Department Letters, the 18 Planning Department also found that the contemplated actions do not trigger the need for 19 subsequent environmental review pursuant to the California Environmental Quality Act 20 ("CEQA") (California Public Resources Code Sections 21000 et seq.). Copies of the Planning 21 Department Letters are on file with the Clerk of the Board of Supervisors in File No. 200700. (I) After a duly noticed public hearing on August 11, 2020, the Port Commission, after 22 23 consultation with PW, approved the renaming of the historic waterway Channel Street as set forth in this ordinance pursuant to Port Resolution No. 20-35, which is on file with the Clerk of 24

the Board of Supervisors in File No. 200700.

Mayor Breed; Supervisor Haney **BOARD OF SUPERVISORS** 

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### Section 2. Adoptions and Approvals.

(a) The Board of Supervisors adopts as its own the Redevelopment Plan consistency
findings in the OCII Letters, as referenced in Section 1(j) of this ordinance, in connection with
the acceptance of the Public Infrastructure Improvements and other actions specified in this
ordinance.

(b) The Board of Supervisors adopts as its own the CEQA findings and the General
Plan and Planning Code Section 101.1 consistency findings in the Planning Department
Letters, as referenced in Section 1(k) of this ordinance, in connection with the acceptance of
the Public Infrastructure Improvements and other actions specified in this ordinance.

(c) The Board of Supervisors adopts the determinations in PW Order No. 203351,
including the City Engineer's certification and PW Director's recommendation, as referenced
in Sections 1(b) and (f) - (i) of this ordinance, concerning the acceptance of the FOCIL Offers,
Public Infrastructure Improvements and other actions set forth in this PW Order. The Board of
Supervisors also acknowledges the findings of PW Order No. 202032.

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# Section 3. Acceptance of New Acquisition Facilities and Assumption of

17 Maintenance and Liability Responsibilities.

(a) Pursuant to California Streets and Highways Code Section 1806 and San
Francisco Administrative Code Sections 1.51 et seq., the Acquisition Agreement dated June
1, 2001 by and between the San Francisco Redevelopment Agency and Catellus
Development Corporation, and PW Order No. 203351, the Board of Supervisors hereby
accepts the FOCIL Offers and dedicates such acquisition facilities for public use.
(b) The FOCIL Offers also included real property for right-of-way purposes from FOCIL

and other property owners underlying portions of Merrimac Street, China Basin Street,

25 Channel Street, Long Bridge Street, Terry A. Francois Boulevard, Third Street, Fourth Street,

Sixteenth Street, Owens Street, and Mariposa Street. The subject real property is evidenced
 by grant deeds from FOCIL, ARE-San Francisco No. 19, LLC, PAC Operating Limited
 Partnership, and The Regents of the University of California. The Board of Supervisors
 hereby accepts the grant deeds and authorizes the Director of Real Property to execute and
 record said deeds.

- 6 (c) The Board of Supervisors hereby approves Map Nos. A-17-186 through A-17-191,
  7 and declares the areas shown hatched on said maps as open public right-of-way, and
  8 designates these areas for street and roadway purposes.
- 9 (1) Map No. A-17-186 covers the following streets or street segments: China
  10 Basin Street between Long Bridge and Fourth Streets; Merrimac Street between China Basin
  11 Street and Mission Bay Boulevard South; Mission Bay Boulevard North between Merrimac
  12 and Fourth Streets; Mission Bay Boulevard South between Merrimac and Fourth Streets.
- (2) Map No. A-17-187 covers the following streets or street segments: Channel
  Street between Mission Bay Circle and El Dorado Street South; Long Bridge Street between
  China Basin Street and Mission Bay Boulevard South; Mission Bay Boulevard North between
  Merrimac Street and Mission Bay Circle; Mission Bay Boulevard South between Mission Bay
  Circle and Merrimac Street.
- 18 (3) Map No. A-17-188 covers the following streets or street segments: Owens
  19 Street between Sixteenth and Mariposa Streets.
- (4) Map No. A-17-189 covers the following streets or street segments: Fourth
  Street between Sixteenth and Mariposa Streets; west side of Third Street between Sixteenth
  and Mariposa Streets; north side of Mariposa Street between Owens and Third Streets.
- 23 (5) Map No. A-17-190 covers the following streets or street segments: Mission
- 24 Rock Street between Third Street and Terry A. Francois Boulevard; Terry A. Francois
- 25 Boulevard between Mission Rock and China Basin Streets.

(6) Map No. A-17-191 covers the following streets or street segments: Warriors
 Way between Third Street and Terry A. Francois Boulevard; Terry A. Francois Boulevard
 between Warriors Way and Mission Bay Boulevard South; Mission Bay Boulevard South
 between Terry A. Francois Boulevard and Third Street; Third Street between Mission Bay
 Boulevard South and Warriors Way.

6 (d) The Board of Supervisors hereby accepts the Public Infrastructure Improvements
7 for City maintenance and liability purposes, subject to the conditions listed in subsection 3(e),
8 and acknowledges that FOCIL's conditional assignments of all warranties and guaranties to
9 the City related to the construction of the Public Infrastructure Improvements and its warranty
10 obligations under the project permits have expired.

(e) The Public Infrastructure Improvements accepted pursuant to subsections 3(a)-(d) 11 12 are subject to the following: (1) the PW Punchlist Work and SFPUC Phase II Work conditions 13 identified in PW Order No. 202032; (2) the portions of streets being accepted for street and 14 roadway purposes are constructed from back of sidewalk to back of sidewalk, unless specified 15 otherwise or as shown on project improvement plans; (3) acceptance of project acquisition 16 facilities for City maintenance and liability purposes is from back of curb to back of curb, 17 unless specified otherwise, and sidewalk maintenance is the responsibility of the adjacent 18 property owners in accordance with the Public Works Code; (4) encroachments that are 19 permitted, not permitted, or both, are excluded from acceptance; and (5) the acceptance of 20 the streets does not obviate, amend, alter, or in any way affect existing maintenance 21 agreements between the City and parties to such agreements.

(f) The encroachments excluded from the Board of Supervisors acceptance pursuant
 to subsection 3(e) include among others those specific improvement that the Regents of the
 State of California, University of California San Francisco, Mission Bay campus, installed
 under a Master Encroachment Maintenance Agreement that the Board of Supervisors

- 1 approved in Ordinance No. 159-12.
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- 3 Section 4. Establishment of Public Right-of-Way Widths, Sidewalk Widths, and
   4 Streets Grades.
- (a) In accordance with PW Order No. 203351, the Board of Supervisors hereby
  establishes the official public right-of-way widths for the portions of streets as shown on PW
  Map Nos. A-17-186 through A-17-191.
- 8 (b) In accordance with PW Order No. 203351, Board of Supervisors Ordinance
- 9 No. 1061, entitled "Regulating the Width of Sidewalks," a copy of which is in the Clerk of the
- 10 Board of Supervisors Book of General Ordinances, in effect May 11, 1910, is hereby
- 11 amended by adding thereto new sections to read as follows:
- 12 <u>Section 1625. The sidewalk widths on Channel, Third, and Fourth Streets shall be modified as</u>
- 13 shown on the Public Works Drawing No. Q-20-1109.
- 14 Section 1626. The sidewalk widths on China Basin Street, Merrimac Street, Mission Bay
- 15 Boulevard North, and Mission Bay Boulevard South shall be modified as shown on the Public Works
- 16 <u>Drawing No. Q-20-1110.</u>
- 17 Section 1627. The sidewalk widths on Mission Bay Boulevard North, Mission Bay Boulevard
- 18 <u>South, Channel Street, and Long Bridge Street shall be modified as shown on the Public Works</u>
- 19 <u>Drawing No. Q-20-1111.</u>
- 20 Section 1628. The sidewalk widths on Third, Fourth, Sixteenth, Owens, and Mariposa Streets
- 21 *shall be modified as shown on the Public Works Drawing No. Q-20-1112.*
- 22 Section 1629. The sidewalk widths on Mission Rock Street and Terry A. Francois Boulevard
- 23 *shall be modified as shown on the Public Works Drawing No. Q-20-1113.*
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### Section 1630. The sidewalk widths on Mission Bay Boulevard South, Terry A. Francois

2 <u>Boulevard, Warriors Way, and Third Street shall be modified as shown on the Public Works Drawing</u>

- 3 <u>No. Q-20-1114.</u>
- 4 (c) The sidewalk widths established pursuant to subsection (b) for those portions of
  5 streets do not obviate, amend, alter, or in any other way affect the maintenance obligations of
  6 the adjacent property owners as set forth in the Public Works Code.
- (d) Notwithstanding California Streets and Highways Code Sections 800 et seq., the
  Board of Supervisors, in accordance with San Francisco Administrative Code Sections 1.51 et
  seq., chooses to follow its own procedures for the establishment of street grades. The Board
  of Supervisors hereby establishes the street grades for those portions of street as set forth in
  the Public Works Drawing Nos. Q-20-1109 through Q-20-1114.
- (e) The Board of Supervisors hereby directs Public Works to revise the Official Public
   Right-of-Way, Sidewalk Width, and Street Grade maps in accordance with this ordinance.
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15 Section 5. Street Name Establishment and Renaming Streets.

(a) Renaming the waterway portion of historic Channel Street to Mission Creek
 from Seventh Street to the east side of Third Street. The street historically named
 Channel Street, which comprises the waterway of Mission Creek, is hereby renamed Mission
 Creek from Seventh Street eastward to Third Street.

(b) Renaming Channel as Channel Street and Naming Unnamed Portions of That
 Street Channel Street. The street segment between Third and Seventh Streets, a portion of
 which had been named Channel between Third and Fourth Streets, is now hereby renamed
 and named Channel Street. The portion of historic Channel Street between the intersection of
 Seventh and its terminus at Carolina Street will remain named Channel Street.

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(c) Renaming El Dorado Street North and El Dorado Street South to Corinne
 Woods Way. The street segment currently named El Dorado Street North and El Dorado
 Street South, which is separated by a median on the north and south sides and located
 between Long Bridge Street and the newly named Channel Street, is hereby renamed
 Corinne Woods Way. Corinne Woods Way is named in honor and memory of Corinne
 Woods, a tireless advocate for Mission Bay redevelopment and long-standing member and
 president of the Mission Bay Citizens Advisory Committee.

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### (d) Official Actions Regarding Street Name Establishment and Street Renaming.

9 (1) The Board of Supervisors, in accordance with Transportation Code Section 10 2.2, directs the Municipal Transportation Agency to prepare street signs indicating both the 11 new and the former names of El Dorado Street North and El Dorado Street South, with the 12 new name "Corinne Woods Way" in large letters, and the old names "El Dorado Street North" 13 and "El Dorado Street South" in smaller letters above or beneath the new name.

(2) The street names of Corinne Woods Way and El Dorado Street North on the
north side of the median and El Dorado Street South on the south side of the median shall
remain posted on the street signs for five years, and then the street signs shall be replaced
with signs indicating only the new street name, "Corinne Woods Way."

(3) The Board of Supervisors directs the Clerk of the Board to promptly forward
a copy of this ordinance to the County Surveyor in accordance with California Streets and
Highways Code Section 5026 and the County Surveyor shall include the new street names on
the Official Maps of the City.

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Section 6. Authorization for Implementation. The Mayor, Clerk of the Board of
 Supervisors, Director of Real Estate, and PW Director are hereby authorized to take any and
 all actions which they or the City Attorney may deem necessary or advisable in order to

1	effectuate the purpose and intent of this ordinance, including, but not limited to, the filing of
2	the ordinance and the A-17 Maps and Q-20 Drawings in the Official Records of the City and
3	County of San Francisco.
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5	Section 7. Effective Date. This ordinance shall become effective 30 days after
6	enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
7	ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
8	of Supervisors overrides the Mayor's veto of the ordinance.
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10	APPROVED AS TO FORM: DENNIS J. HERRERA, City Attorney
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12	By: <u>/s/ John D. Malamut</u>
13	JOHN D. MALAMUT Deputy City Attorney
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