

[Vacation and immediate quitclaim of a sewer easement and vacation and delayed quitclaim of a water line easement in former Hubbell Street (a portion of Assessor's Block 8709, Lot 11)]

**Ordinance ordering the vacation of a 10-foot wide water line easement and a 20-foot wide sewer easement in former Hubbell street, within the Mission Bay South Redevelopment Project Area; authorizing an immediate quitclaim of the sewer easement and a delayed quitclaim of the water line easement of the City and County of San Francisco's rights and interest in the vacated areas; adopting findings that such actions are consistent with the City's General Plan, the eight priority policies of City's Planning Code Section 101.1 and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 176,502 ; and authorizing other official acts in connection with this ordinance.**

Note: Additions are single-underline italics Times New Roman; deletions are ~~strikethrough italics Times New Roman~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. FINDINGS.

On JAN. 23, 2007, the Board of Supervisors adopted Resolution No. 21-07, a copy of which is on file with the Clerk of the Board of Supervisors in File No. 061516, being a Resolution of Intention to order the vacation of that certain Parcel 2, a 10-foot wide strip of land for water line purposes, and that certain Parcel 3, a 20-foot wide strip of land for sewer purposes in former Hubbell Street, recorded November 26,

Supervisor McGoldrick  
Department of Public Works  
BOARD OF SUPERVISORS

2007-01-23 11:28

1 1963, in Book A681, Official Records, at Page 0574 and shown on the Department of Public  
2 Works' (DPW) SUR Map No. 7006, dated October 24, 2006, (the "Easements ").

3 Copies of said SUR Map are on file with the Clerk of the Board of Supervisors in File No.  
4 061517.

5 (a) The Clerk of the Board of Supervisors did transmit to the Director of DPW (the  
6 "Director") a certified copy of the Resolution of Intention and the Director did cause notice of  
7 adoption of such resolution to be posted and published in the manner required by law.

8 (b) When such matter was considered as scheduled by the Board of Supervisors at  
9 its regular meeting held in the City Hall, San Francisco, on Feb. 27, 2006,<sup>7</sup>  
10 beginning at approximately 3:00 P.M., the Board heard all persons interested in such  
11 vacation.

12 (c) In DPW Order No. 176,502, dated October 24, 2006 the Director and the City  
13 Engineer found and determined that with respect to the vacation of the Easements in former  
14 Hubbell Street, (i) the vacation is pursuant to the California Streets and Highway Code  
15 Sections 8300 et seq. concerning the vacation of public streets and public service easements  
16 and the City Administrative Code Section 1.51, and the existing sewer easement is not  
17 needed for sewer purposes and the water line easement is proposed to be abandon or  
18 replaced in the near future, (ii) The retention of the above referenced Easements would result  
19 in practical difficulties and unnecessary hardships affecting the property and be inconsistent  
20 with the general purpose and intent of the Redevelopment Plan for Mission Bay South, (iii)  
21 the vacation and quitclaim of said Easements will not materially increase the City's obligations  
22 or materially diminish the City's rights under the Mission Bay Plan and Plan Documents, and  
23 (iv) the vacation and quitclaim will not be materially detrimental to the public welfare or  
24 injurious to other property in the area in which the Easement is situated. A copy of the DPW  
25 Order is on file with the Clerk of the Board of Supervisors in File No. 061517 and is

1 incorporated by reference as though fully set forth herein. The Board of Supervisors adopts as  
2 its own the findings and determinations of the Director and the City Engineer as set forth in  
3 DPW Order No. 176,502 and approves their recommendation in connection with the proposed  
4 vacation and quitclaim of the Easements in former Hubbell Street.

5 (d) In a letter dated December 9, 2004, (the "Planning Department's Letter"), the City  
6 Planning Department determined that the proposed vacation and other actions are consistent  
7 with the General Plan consistency findings of Case No. 96.771R, the eight priority policies of  
8 Planning Code Section 101.1 and the contemplated actions do not trigger the need for  
9 subsequent environmental review pursuant the California Environmental Quality Act (CEQA)  
10 (California Public Resources Code sections 21000 et seq.). A copy of the Planning  
11 Department letter is on file with the Clerk of the Board of Supervisors in File No.

12 061517 and is incorporated by reference as though fully set forth herein. The Board  
13 of Supervisors adopts as its own the consistency and CEQA findings of the City Planning  
14 Department as set forth in the Planning Department Letter in connection with the proposed  
15 vacation and quitclaim of the Easements in former Hubbell Street.

16 (e) In a letter dated August 8, 2006, (the "Agency Letter"), the Redevelopment  
17 Agency found the proposed vacation and other actions are "consistent with the Mission Bay  
18 South Redevelopment Plan and Plan Documents, described therein, and recommends Board  
19 of Supervisors approval". A copy of the Agency Letter is on file with the Clerk of the Board of  
20 Supervisors in File No. 061517 and is incorporated by reference as though fully set  
21 forth herein. The Board of Supervisors adopts as its own the consistency findings of the San  
22 Francisco Redevelopment Agency as set forth in the Agency Letter in connection with the  
23 proposed vacation and quitclaim of the Easements in former Hubbell Street.

1 (f) The vacation and quitclaim of the Easements in former Hubbell Street is being  
2 taken pursuant to California Streets and Highways Code sections 8300 et seq. and Public  
3 Works Code Section 787(a).

4 (g) From all the evidence submitted at the public hearing noticed in the Resolution of  
5 Intention and the materials on file with the Clerk of the Board in File No. 061516, the  
6 Board of Supervisors finds that the Easements, as described in such resolution, is  
7 unnecessary for present or prospective public use, subject to the reservations and conditions  
8 described in this Ordinance.

9 (h) The public interest, convenience and necessity require that no other easements or  
10 other rights be reserved for any public utility facilities that are in place and that any rights  
11 based upon the water line and sewer easements are extinguished.

12 (i) The public interest and convenience require that the vacation and quitclaim be  
13 done as declared in the Resolution of Intention, subject to and effective upon the occurrence  
14 of the following condition: the vacation of the water line easement shall not become effective  
15 until the earliest to occur of (i) City's acceptance of the dedication of a utility or other facility  
16 which provides substantially equivalent or greater levels of service, (ii) a determination by the  
17 Director of Public Works and the General Manager of the Public Utilities Commission (the  
18 "General Manager") that both (1) such facilities are no longer required, and (2) either  
19 (A) reasonable alternative service has been provided to areas served by the water line, or  
20 (B) the areas served by the applicable portion of the water line no longer require the service  
21 and that new facilities shall be placed in newly dedicated streets pursuant to then applicable  
22 franchise rights or other applicable state or federal laws or otherwise in locations and on terms  
23 and conditions reasonably satisfactory to the City, including, the Director of Public Works and  
24 the General Manager; or (iii) FOCIL provides alternative facilities and grants to City and City  
25 accepts an immediate temporary substitute easement, or other instrument which will, in the

1 reasonable judgment of the Director of Public Works and the General Manager, satisfy the  
2 requirements of water facilities, and/or which provide a direct alternative means of service and  
3 immediately upon satisfaction of the this condition, the Clerk of the Board of Supervisors and  
4 the Director of Real Property shall be authorized and the clerk shall be directed to record (or  
5 cause to be recorded) a certified copy of the Ordinance ordering such vacation as provided in  
6 Section 8325(a) of the California Streets and Highways Code, and thereupon such vacation  
7 shall be effective without any further action by the Board of Supervisors..

8 Section 2. The Easements in former Hubbell Street are hereby ordered vacated and  
9 quitclaimed in the manner described in the Resolution of Intention, this Ordinance and  
10 pursuant to California Streets and Highways Code sections 8300 et seq. and Public Works  
11 Code Section 787(a).

12 Section 3. The Board of Supervisors hereby directs the Clerk of the Board of  
13 Supervisors to transmit to the Director a certified copy of this Ordinance, and the Board of  
14 Supervisors hereby urges the Director and Director of Real Property to proceed in the manner  
15 required by law.

16 Section 4. The Board of Supervisors hereby authorizes the Director of Real Property to  
17 immediately execute the sewer easement quitclaim deed on behalf of the City quitclaiming the  
18 City's interest in the sewer easement in former Hubbell Street to the Regents of the University  
19 of California, a California public corporation. Further the Board of Supervisors authorizes the  
20 Director of Public Works, in consultation with the General Manager and City Attorney, to  
21 execute the water line easement quitclaim upon confirmation of abandonment or relocation  
22 and acceptance by the Board of Supervisors of alternate facilities, without any further action  
23 by the Board of Supervisors.

24 Section 5. The Mayor, Clerk of the Board, Director of real Property, and Director are  
25 hereby authorized and directed to take any and all actions that they or the City Attorney may

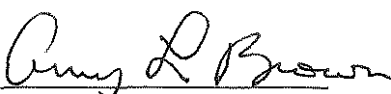
1 deem necessary or advisable in order to effectuate the purpose and intent of this Ordinance  
2 (including, without limitation, the filing of the confirmation of satisfaction of any of the  
3 conditions to the effectiveness of the vacation and quitclaim of the Easements in former  
4 Hubbell Street).

5  
6 RECOMMENDED:  
7 DEPARTMENT OF PUBLIC WORKS

8  
9 By: 

10 Robert P. Beck  
11 Deputy Director of Engineering, DPW

RECOMMENDED:  
DIRECTOR OF PROPERTY

By: 

Amy L. Brown  
Director of Property

12  
13 RECOMMENDED:  
14 DEPARTMENT OF PUBLIC WORKS

15  
16 By: 

17 Bruce R. Storrs  
18 City and County Surveyor

APPROVED AS TO FORM:  
DENNIS J. HERRERA

City Attorney

19 By: 

20 John D. Malamut  
21 Deputy City Attorney



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails

## Ordinance

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**File Number:** 061517

**Date Passed:**

Ordinance ordering the vacation of a 10-foot wide water line easement and a 20-foot wide sewer easement in former Hubbell street, within the Mission Bay South Redevelopment Project Area; authorizing an immediate quitclaim of the sewer easement and a delayed quitclaim of the water line easement of the City and County of San Francisco's rights and interest in the vacated areas; adopting findings that such actions are consistent with the City's General Plan, the eight priority policies of City's Planning Code Section 101.1 and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 176,502; and authorizing other official acts in connection with this ordinance.

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January 23, 2007 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

January 30, 2007 Board of Supervisors — CONTINUED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin  
Excused: 1 - Sandoval

February 27, 2007 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval  
Absent: 1 - Dufty

File No. 061517

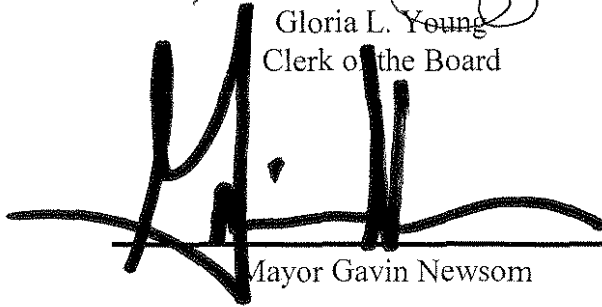
I hereby certify that the foregoing Ordinance was FINALLY PASSED on February 27, 2007 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young  
Clerk of the Board

MAR 09 2007

Date Approved



Mayor Gavin Newsom