

1 [Interdepartmental jurisdictional transfer of surplus property.]

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3 **Ordinance transferring jurisdiction from the Public Utilities Commission to the Real**
4 **Estate Division of the Administrative Services Department over certain portions of**
5 **former municipal railway right-of-way property located in San Mateo County for the**
6 **purpose of disposing of such property at fair market value and transferring the net**
7 **proceeds to the City's General Fund.**

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

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11 Section 1. Findings. The Board of Supervisors of the City and County of San Francisco
12 (the "Board") hereby finds and declares as follows:

13 A. The City and County of San Francisco acquired certain real property in
14 San Mateo County for the operation of a street railway line running between the City and
15 San Mateo County (the "Former Muni right-of-way Property").

16 B. Under Resolution No. 9867, in 1950, after use of that street railway line had
17 been discontinued, the Board of Supervisors authorized the transfer of administrative
18 jurisdiction over the Former Muni right-of-way Property from the City's Municipal Railway
19 Department to the Water Department of the City's Public Utilities Commission ("PUC").

20 C. Notwithstanding such jurisdictional transfer, most of the Former Muni right-of-
21 way Property, including all of the real property described as the "Transfer Property" in File
22 No. 040744 with the Clerk of the Board, has never been operated by the PUC as a
23 utility, or included as part of the PUC's water supply, storage or distribution system, or
24 otherwise used, operated or treated as part of the PUC's enterprise. In fact, in recent years

25 ///

Mayor
Supervisors Peskin, McGoldrick
BOARD OF SUPERVISORS

1 the PUC has sold or planned to sell most of the Former Muni right-of-way Property to third
2 parties, and the Transfer Property is entirely surplus to the PUC's operational needs.

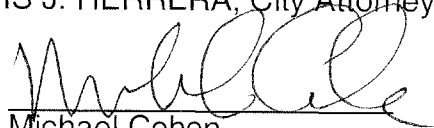
3 D. The bond covenants applicable to the PUC revenue bonds do not prohibit a sale
4 or other disposition of the Transfer Property because such property is not considered part of
5 the enterprise subject to the bond covenants.

6 Section 2. Transfer of Jurisdiction. Notwithstanding Article II of Chapter 23 of the
7 San Francisco Administrative Code and subject to the approval of such transfer by the PUC,
8 the jurisdiction over the Transfer Property is hereby transferred from the PUC to the Real
9 Estate Division of the Administrative Services Department for disposition at fair market value
10 in a manner consistent with Chapter 23 of the Administrative Code, subject to the prior
11 approval of the Board of Supervisors by Resolution of any such disposition. The net proceeds
12 of any such disposition shall be deposited in the City's General Fund.

13 Section 3. Implementation. The General Manger of the PUC and the Director of
14 Administrative Services are hereby authorized to execute such deeds, certificates or other
15 documents as may be necessary to confirm this transfer of jurisdiction, including, without
16 limitation to and for the benefit of subsequent purchasers of all or any portion of the Transfer
17 Property.

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19 APPROVED AS TO FORM:
20 DENNIS J. HERRERA, City Attorney

21 By:


22 Michael Cohen
23 Deputy City Attorney
24
25



City and County of San Francisco

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

Tails Ordinance

File Number: 040744

Date Passed:

Ordinance transferring jurisdiction from the Public Utilities Commission to the Real Estate Division of the Administrative Services Department over certain portions of former municipal railway right-of-way property located in San Mateo County for the purpose of disposing of such property at fair market value and transferring the net proceeds to the City's General Fund.

July 20, 2004 Board of Supervisors — PASSED ON FIRST READING

Ayes: 7 - Alioto-Pier, Dufty, Hall, Ma, Maxwell, Peskin, Sandoval

Noes: 3 - Ammiano, Daly, Gonzalez

Absent: 1 - McGoldrick

July 27, 2004 Board of Supervisors — FINALLY PASSED

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Hall, Ma, Maxwell, McGoldrick, Peskin,
Sandoval

Noes: 2 - Daly, Gonzalez

File No. 040744

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 27, 2004 by the Board of Supervisors of the City and County of San Francisco.

AUG 05 2004

Date Approved

Kay Gulbenkian

Gloria L. Young
Gloria L. Young
Clerk of the Board
Gavin Newsom

Mayor Gavin Newsom