

1 [Hunters Point Shipyard – Street Vacation Order.]

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3 **Ordinance ordering the vacation of portions of Innes Avenue, Galvez Avenue and**

4 **Donahue Street in Hunters Point Shipyard Parcel "A1" and all of Navy Road in Hunters**

5 **Point Shipyard Parcel "A2" along with public service easements that may exist in**

6 **Parcels A1 and A2; making environmental findings and findings of consistency with**

7 ~~the City's General Plan, Planning Code Section 101.1, and the Hunters Point~~

8 **Redevelopment Plan; quitclaiming the City's interest in the vacation areas; reserving**

9 **easement rights for a City combined sewer line and facilities; accepting Department of**

10 **Public Works Order No. 177,478; and authorizing official acts in connection with this**

11 **Ordinance.**

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13 Note: Additions are *single-underline italics Times New Roman*;

14 deletions are ~~*strikethrough italics Times New Roman*~~.

15 Board amendment additions are double underlined.

16 Board amendment deletions are ~~strikethrough normal~~.

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

18 Section 1. Findings.

19 (a) On _____, the Board of Supervisors adopted Resolution No.

20 _____, a copy of which is on file with the Clerk of the Board of Supervisors in File No.

21 _____, being a Resolution declaring its intention to order the vacation of portions of

22 Innes Avenue, Galvez Street, and Donahue Street in Hunters Point Shipyard Parcel "A1" and

23 all of Navy Road in Hunters Point Shipyard Parcel "A2", and any public service easements

24 that may exist between the vacated areas in Parcel "A1" and "A2 as described in Ordinance

25 No. 24-05; reserving a non exclusive sewer easement on behalf of the City for the existing

combined sewer line and facilities along Navy Road within the aforementioned location of the

1 Hunters Point Shipyard (collectively, the "Vacation Area"). The Vacation Area has not been
2 modified since adoption of the abovementioned Resolution. The location and extent of the
3 Vacation Area is shown on the Department of Public Works' SUR Map Nos. 5008,
4 6008, 7008 and 8008, dated April 8, 2008, copies of such maps
5 are on file with the Clerk of the Board of Supervisors in File No. 080512 and are
6 incorporated herein by reference.

7 (b) The Clerk of the Board of Supervisors did transmit to the Director of the
8 Department of Public Works a certified copy of the Resolution of Intention, and the Director of
9 the Department of Public Works did cause notice of adoption of such Resolution to be posted
10 and published in the manner required by law.

11 (c) When such matter was considered as scheduled by the Board of Supervisors at its
12 regular meeting held in the City Hall, San Francisco, on _____, 2008,
13 beginning at approximately 4:00 P.M., the Board heard all persons interested in such
14 vacation.

15 (d) The vacation of the Vacation Area is part of an action to implement the Hunters
16 Point Shipyard Redevelopment Plan.

17 (e) In accordance with the actions contemplated herein, this Board adopted
18 Resolution No. 751-04, concerning findings pursuant to the California Environmental Quality
19 Act (California Public Resources Code sections 21000 et seq.). A copy of said Resolution is
20 on file with the Clerk of the Board of Supervisors in File No. 041533 and is incorporated herein
21 by reference.

22 (f) On December 2, 2004, the City Planning Commission adopted Motion No. 16902
23 and determined that the proposed vacations and other actions contemplated herein are
24 consistent with the General Plan and the priority policies of Planning Code Section 101.1. A
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1 copy of said Motion is on file with the Clerk of the Board of Supervisors in File No. 041535 and
2 is incorporated herein by reference

3 (g) In a letter dated August 23, 2006 (the "Agency Letter"), the Redevelopment Agency
4 found the vacation of the Vacation Area and other actions in furtherance thereof, are
5 "consistent with Hunters Point Shipyard Redevelopment Plan, described therein, and
6 recommends Board of Supervisors approval". A copy of the Agency Letter is on file with the

7 Clerk of the Board of Supervisors in File No. 080512 and is incorporated by
8 reference as though fully set forth herein. The Board of Supervisors adopts as its own the
9 consistency findings of the Agency Letter.

10 (h) In DPW Order No. 177,478, dated March 24, 2008, a copy of which is on file with
11 the Clerk of the Board of Supervisors in File No. 080512, the Director of the
12 Department of Public Works determined: (i) the Vacation Area is no longer necessary for the
13 City's present or prospective future public street and sidewalk purposes, (ii) In accordance
14 with Streets and Highways Code Section 892 and 8314, the right-of-ways and parts thereof
15 proposed for vacation are no longer useful as a nonmotorized transportation facility, as
16 defined in Section 887, because the design of Phase 1 of the Hunters Point Shipyard
17 Redevelopment Plan contains new facilities for bicycle and pedestrian movement that are
18 equal to or in excess of what may currently exist, (iii) the proposed quitclaim of public right-of-
19 way is consistent with the Hunters Point Shipyard Redevelopment Plan, (iv) the value of such
20 exchange for future public right-of-way and other public benefits is equal or in favor of the
21 City, and (v) there are no physical public utility facilities within the Vacation Area except for a
22 City combined sewer line within Navy Road. A copy of the DPW Order is on file with the
23 Clerk of the Board of Supervisors in File No. 080512. The Board of Supervisors
24 adopts as its own and incorporates by reference herein as if fully set forth, the
25

1 recommendations of the Director of the Department of Public Works as set forth in DPW
2 Order No. 177,478 concerning the vacation of the Vacation Area and other actions in
3 furtherance thereof.

4 (i) The vacation of the Vacation Area is being taken pursuant to California Streets and
5 Highways Code sections 8300 et seq. and Public Works Code section 787(a).

6 (j) From all the evidence submitted at the public hearing noticed in the Resolution No.

7 _____ and the associated materials on file with the Clerk of the Board in File No.
8 _____, the Board of Supervisors finds that the Vacation Area, as described in said
9 Resolution, is no longer necessary for the City's use for public streets or as bicycle
10 transportation facilities as defined in Streets and Highways Code Sections 890, et seq.,
11 subject to the reservations and conditions described in this Ordinance.

12 (k) The public interest, convenience and necessity require that the City reserve from
13 the vacation of the Vacation Area solely for the benefit of City a non-exclusive sewer line
14 easement in, upon, and over that certain portion of the Vacation Area, in which its in-place
15 and functioning facilities are located, to the extent necessary to maintain, operate, repair and
16 remove existing lines of pipe and other convenient structures, equipment and fixtures for the
17 operation of City combined sewer line facilities, together with reasonable access to the
18 foregoing facilities for the purposes set forth above. The public interest, convenience and
19 necessity does not require that the City reserve from the vacation of the Vacation Area any
20 other easements except as mentioned above; and,

21 (l) The public interest and convenience require that the vacation be done as declared
22 in the Resolution No. _____.

23 Section 2. Except as set forth in Section 3 below, the Vacation Area, as shown on
24 SUR Map No. 5008, 6008, 7008 and 8008 is hereby ordered vacated in the manner
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1 described in the Resolution No. _____, as modified herein, and pursuant to California
2 Streets and Highways Code Sections 8300 et seq. and Public Works Code section 787(a).

3 Section 3. The vacation of the Vacation Area is conditioned upon the reservation of (i)
4 a non-exclusive sewer easement for the benefit of the City, in, upon, and over that certain
5 portion of the Vacation Area, in which its in-place and functioning facilities are located, to the
6 extent necessary to maintain, operate, repair and remove existing lines of pipe, manholes,

7 and other convenient structures, equipment and fixtures for the operation of City combined
8 sewer line facilities, together with reasonable access to the foregoing facilities for the
9 purposes set forth above and shall terminate with the dedication and acceptance of
10 replacement facilities.

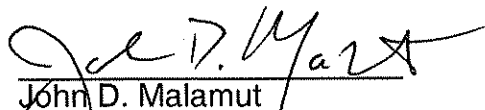
11 Section 4. Notwithstanding the provisions of Administrative Code Chapter 23, the
12 Board of Supervisors hereby authorizes the Director of Property to execute a City quitclaim
13 deed to the San Francisco Redevelopment Agency for the Vacation Area, including therein a
14 reservation of a nonexclusive combined sewer line easement on behalf of the City subject to
15 the terms and conditions set forth herein.

16 Section 5. The Board of Supervisors hereby directs the Clerk of the Board of
17 Supervisors to transmit to the Director of Public Works a certified copy of this Ordinance, and
18 the Board of Supervisors hereby urges the Director of Public Works to proceed in the manner
19 required by law. The Clerk of the Board also is hereby directed to transmit to the Director of
20 Public Works a certified copy of this Ordinance so that this Ordinance may be recorded
21 together with any other documents necessary to effectuate this Ordinance and the Hunters
22 Point Shipyard Redevelopment Plan.

1 Section 6. The Mayor, Clerk of the Board, Director of Property, and Director of Public
2 Works are hereby authorized and directed to take any and all actions which they or the City
3 Attorney may deem necessary or advisable in order to effectuate the purpose and intent of
4 this Ordinance (including, without limitation, the filing of the Ordinance in the Official Records
5 of the City and County of San Francisco and confirmation of satisfaction of any of the
6 conditions to the effectiveness of the vacation of the Vacation Area hereunder and
7 confirmation of the granting of the easement reserved hereunder pursuant to Section 3 of this
8 Ordinance and execution and delivery of any evidence of the same, which shall be conclusive
9 as to the satisfaction of such conditions upon signature by any such City official or his or her
10 designee).

11
12 APPROVED AS TO FORM:
13 DENNIS J. HERRERA, City Attorney

14 By:


15 John D. Malamut
16 Deputy City Attorney

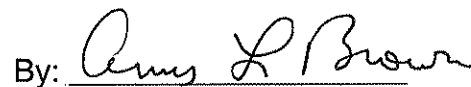
17 RECOMMENDED:
18 DEPARTMENT OF PUBLIC WORKS

19 By:


20 Edward D. Reiskin
21 Director of Public Works

22 RECOMMENDED:
23 DIRECTOR OF PROPERTY

24 By:


25 Amy L. Brown
Director of Property



City and County of San Francisco

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

Tails Ordinance

File Number: 080512

Date Passed:

Ordinance ordering the vacation of portions of Innes Avenue, Galvez Avenue and Donahue Street in Hunters Point Shipyard Parcel "A1" and all of Navy Road in Hunters Point Shipyard Parcel "A2" along with public service easements that may exist in Parcels A1 and A2; making environmental findings and findings of consistency with the City's General Plan, Planning Code Section 101.1, and the Hunters Point Redevelopment Plan; quitclaiming the City's interest in the vacation areas; reserving easement rights for a City combined sewer line and facilities; accepting Department of Public Works Order No. 177,478; and authorizing official acts in connection with this Ordinance.

June 3, 2008 Board of Supervisors — CONTINUED

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

July 8, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 9 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Noes: 1 - Daly

Excused: 1 - Ammiano

July 16, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Noes: 1 - Daly

File No. 080512

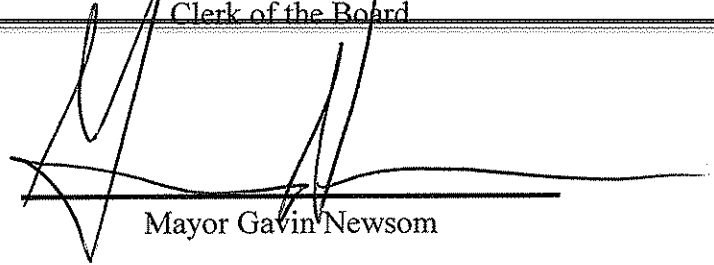
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on July 16, 2008 by
the Board of Supervisors of the City and
County of San Francisco.



Angela Calvillo
Clerk of the Board

7.21.08

Date Approved



Mayor Gavin Newsom