Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay Storm Water Pump Station No. 4 including acquisition facilities located on and under portions of State Trust Parcel Nos. 2 and 6; accepting said facilities for City maintenance and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan eight priority policy findings of Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a Department of Public Works Order; and authorizing 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.

(a) All capitalized terms relating to Mission Bay shall have the definitions ascribed to them pursuant to the Mission Bay South Redevelopment Plan and Plan Documents described therein, approved and adopted by the Board of Supervisors of the City and County of San Francisco by Ordinance No. 335-98, on November 2, 1998, a copy of which is in the Clerk of the Board of Supervisors File No. 981441.

(b) The San Francisco Redevelopment Agency, in a letter dated August 16, 2011, determined that the acceptance of the Mission Bay Storm Water Pump Station No. 4 Public Infrastructure Improvements constructed pursuant to Street Improvement Permit #08IE-0654, dated October 9, 2008 and Department of Building Inspection Permit #200809091047 dated
March 3, 2009 (the “Project”) and other actions herein set forth are consistent with the Mission Bay South Redevelopment Plan (“Plan”) and Plan Documents described therein. A copy of the Redevelopment Agency letter is on file with the Clerk of the Board of Supervisors in File No. 111209 and is incorporated herein by reference.

(c) The City Planning Department, in a letter dated October 17, 2011 determined that the acceptance of the Mission Bay Storm Water Pump Station No. 4 Public Infrastructure Improvements and other actions herein set forth are within the scope of the General Plan consistency findings of Case No. 2011.1094R, the Eight Priority Policies of Planning Code Section 101.1 and the contemplated actions do not trigger the need for subsequent environmental review pursuant to the California Environmental Quality Act (CEQA) (California Public Resources Code Sections 21000 et seq.). A copy of the Planning Department letter is on file with the Clerk of the Board of Supervisors in File No. 111209 and is incorporated herein by reference.

(d) The San Francisco Public Utilities Commission on May 27, 2010 signed and accepted the FOCIL-MB, LLC Conditional Assignment of Warranties and Guaranties regarding the Mission Bay Storm Water Pump Station No. 4 Improvements. A copy of said Conditional Assignment of Warranties and Guaranties is on file with the Clerk of the Board of Supervisors in File No. 111209 and is incorporated herein by reference.

(e) The San Francisco Public Utilities Commission on July 7, 2011 acknowledged the acceptance of the Determination of Completeness for the Mission Bay Stormwater Pump Station No. 4.

(f) In DPW Order No. 179,667 dated October 21, 2011, the Director and the City Engineer certified that: (a) FOCIL-MB, LLC (“Focil”) made an irrevocable offer of the Project Improvement facilities to the City (“Offer”), (b) the Mission Bay Storm Water Pump Station No. 4 Public Infrastructure Improvements have been inspected and were certified as complete on
July 13, 2011; the Project has been constructed in accordance with the Project Plans and Specifications and all City codes, regulations, standards and Mission Bay South Plan and Plan Documents governing this project; and such improvements are ready for their intended use, (c) the facilities are recommended for acceptance as acquisition facilities and for City maintenance and liability purposes. A copy of the DPW Order and Offer are on file with the Clerk of the Board of Supervisors in File No. 111209 and are incorporated herein by reference.

Section 2. Adoptions and Approvals.

(a) The Board of Supervisors adopts as its own the Redevelopment Plan consistency findings of the San Francisco Redevelopment Agency in connection with the acceptance of the Project and other actions set forth herein.

(b) The Board of Supervisors adopts as its own the General Plan and Planning Code Section 101.1 consistency findings and CEQA findings of the Planning Department in connection with the Project and other actions set forth herein.

(c) The Board of Supervisors has reviewed and approves the City Engineer's certification and Director's recommendation concerning the acceptance of the Focal Offer dated May 18, 2010 for the Project; acceptance of said facilities for City maintenance and liability responsibilities; and other related actions.

Section 3. Acceptance of New Acquisition Facilities and Assumption of Maintenance Responsibilities.

(a) The Board of Supervisors accepts the Focal Offer for the Mission Bay Storm Water Pump Station No. 4 located on and under portions of Mission Bay South Park P8, known as Mission Creek Park along Mission Bay Boulevard.

(b) Pursuant to San Francisco Administrative Code Sections 1.51 et seq., the Acquisition Agreement dated June 1, 2001 by and between the Redevelopment Agency of the
City and County of San Francisco and Catellus Development Corporation, and the
Department of Public Works Order No. 179,667 dated October 21, 2011, the Board of
Supervisors hereby dedicates the facilities described in the Focil Offer for public use and
accepts such facilities for City maintenance and liability purposes. The Board's acceptance of
improvements pursuant to this Subsection is for the Mission Bay Storm Water Pump Station
No. 4 Improvements only and is subject to the warranty obligations under the Stormwater
Pump Station No. 4 Street Improvement Permit No. 08IE-0654 and Department of Building
Inspection Permit No. 200809091047.

(c) The Board of Supervisors hereby acknowledges Focil's conditional assignment of
guaranties and warranties in accordance with the related Street Improvement Permit and the
Mission Bay South Acquisition Agreement.

Section 7. Authorization for Implementation.

All actions heretofore taken by the officers of the City with respect to such Ordinance
are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board, and Director
of Public Works are hereby authorized and directed to take any and all actions which they or
the City Attorney may deem necessary or advisable in order to effectuate the purpose and
intent of this Ordinance, including, but not limited to, the recordation of this Ordinance in the
Official Records of the City and County of San Francisco.
RECOMMENDED:
DEPARTMENT OF PUBLIC WORKS

By: Mohammed Nuru
Director of Public Works

APPROVED AS TO FORM:
Dennis J. Herrera
City Attorney

By: John D. Malamut
Deputy City Attorney

DESIGNATION CERTIFIED BY:
DEPARTMENT OF PUBLIC WORKS

By: Fuad S. Sweiss
Deputy Director of Engineering and City Engineer
Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay Storm Water Pump Station No. 4 including acquisition facilities located on and under portions of State Trust Parcel Nos. 2 and 6; accepting said facilities for City maintenance and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan eight priority policy findings of Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a Department of Public Works Order; and authorizing official acts in connection with this Ordinance.

December 05, 2011 Land Use and Economic Development Committee - RECOMMENDED

December 13, 2011 Board of Supervisors - PASSED, ON FIRST READING
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

January 10, 2012 Board of Supervisors - FINALLY PASSED
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olage and Wiener

File No. 111209

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 1/10/2012 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

Date Approved