

1 [Street Vacation and Sale - Hester Avenue]
2 ORDERING THE SUMMARY VACATION AND SALE OF PORTIONS OF HESTER AVENUE,
3 MAKING FINDINGS PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE
4 CHAPTER 4 SECTIONS 8330 ET SEQ. (PUBLIC STREETS, HIGHWAYS, AND SERVICE
5 EASEMENTS VACATION LAW, SUMMARY VACATION), MAKING FINDINGS OF
6 CONFORMITY WITH THE GENERAL PLAN AND PRIORITY POLICES OF PLANNING
7 CODE SECTION 101.1, AND REQUESTING OFFICIAL ACTIONS IN CONNECTION WITH
8 THE VACATION AND SALE.

9 Note: This entire section is new.

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

11 Section 1. Findings. (a) The Public Works and Real Estate Departments have
12 requested that the Board of Supervisors vacate and sell portions of Hester Avenue;

13 (b) The proposed summary street vacation is necessary to complete sidewalk and
14 retaining wall work in connection with a residential development on Hester Avenue;

15 (c) The subject area is shown on the Department of Public Works' drawings SUR-695,
16 SUR-795, and Q-20-439, copies of which are on file with the Clerk of the Board of
17 Supervisors in File No. 990072;

18 (d) Section 8334 of the California Streets and Highways Code provides that the
19 legislative body of a local agency may summarily vacate an excess right-of-way of a street or
20 highway that is no longer required for street or highway purposes.

21 Section 2. The Board of Supervisors finds the portions of Hester Avenue described in
22 Department of Public Works' drawings SUR-695, SUR-795, and Q-20-439, copies of which
23 are on file with the Clerk of the Board of Supervisors in File No. 990072, are excess
24 right-of-way that is no longer required for street or highway purposes. Such portions of
25 Hester Avenue are necessary to complete sidewalk and retaining wall work in connection with

1 a residential development on Hester Avenue. In addition, the Board finds that no in-place
2 utility facilities exist in the portions of the street that will be affected by the summary vacation.

3 Section 3. Pursuant to California Streets and Highways Code, Division 9, Part 3,
4 Chapter 4, Sections 8330 et seq. (Public Streets, Highways, and Service Easements Law,
5 Summary Vacation), the Board of Supervisors hereby orders the summary vacation of
6 portions of Hester Avenue as described in the aforementioned drawings. Furthermore, as of
7 the date of recordation of this Ordinance, those portions of Hester Avenue described in the
8 aforementioned drawings will no longer constitute a street or highway.

9 Section 4. The Board of Supervisors adopts as its own and incorporates by reference
10 as though fully set forth herein the findings of the City Planning Department in its letter dated
11 February 3, 1997 that found the proposed vacation and sale of the subject area in conformity
12 with the City's General Plan and with the Eight Priority Policies of City Planning Code Section
13 101.1. A copy of such letter is on file with the Clerk of the Board of Supervisors in File No.
14 990072.

15 Section 5. The Board of Supervisors hereby authorizes the Director of Property, on
16 behalf of the City and County of San Francisco, to execute a purchase and sale agreement, a
17 quitclaim deed conveying the City's interest in the subject portions of Hester Avenue, and all
18 other documents and instruments necessary to effectuate the vacation and sale of portions of
19 Hester Avenue to the adjacent property owner, Bayside B.H. Development, Inc., copies of
20 which are on file with the Clerk of the Board of Supervisors in File No. 990072.

21 Section 6. The Board of Supervisors approves and ratifies the sale of the subject
22 portions of Hester Avenue to Bayside B.H. Development, Inc.

23 Section 7. The Board of Supervisors hereby directs its Clerk to transmit to the
24 Recorder, the Director of Public Works, and the Director of Property, a certified copy of this
25 Ordinance, and such officials are hereby directed to proceed thereafter as required by law.

DEPARTMENT OF REAL ESTATE
BOARD OF SUPERVISORS

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1 Section 8. All actions authorized by this Ordinance and heretofore taken by any City
2 official in connection with the subject matter hereof are hereby ratified, confirmed, and
3 approved by this Board of Supervisors.

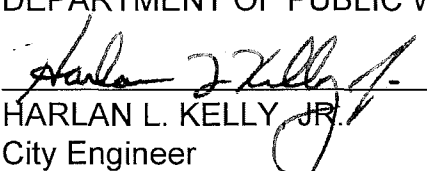
4
5 RECOMMENDED:

6 DEPARTMENT OF PUBLIC WORKS

7 
8 MARK A. PRIMEAU
Director of Public Works

DESIGNATION CERTIFIED BY:

DEPARTMENT OF PUBLIC WORKS

9 
10 HARLAN L. KELLY, JR.
City Engineer

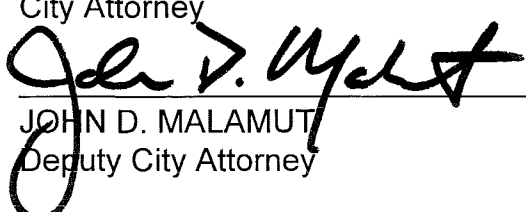
11 RECOMMENDED:

12 DEPARTMENT OF REAL ESTATE

13 
14 ANTHONY J. DeLUCCHI
Director of Property

APPROVED AS TO FORM:

15 LOUISE H. RENNE
16 City Attorney

17 
18 JOHN D. MALAMUT
19 Deputy City Attorney

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21
22
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25
DEPARTMENT OF REAL ESTATE
BOARD OF SUPERVISORS



City and County of San Francisco

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

Tails Ordinance

File Number: 990072

Date Passed:

Ordinance ordering the summary vacation and sale of portions of Hester Avenue, making findings pursuant to the California Streets and Highway Code Chapter 4 Sections 8330 Et Seq. (Public Streets, Highways, and Service Easements Vacation Law, Summary vacation), making findings of conformity with the General Plan and Priority Policies of Planning Code Section 101.1, and requesting official actions in connection with the vacation and sale.

March 29, 1999 Board of Supervisors — PASSED, ON FIRST READING

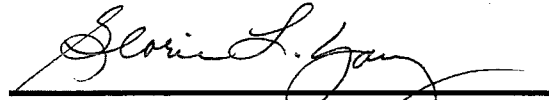
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

April 5, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

File No. 990072

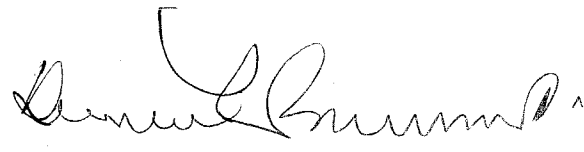
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on April 5, 1999 by
the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
Clerk of the Board

APR 16 1999

Date Approved



Mayor Willie L. Brown Jr.

File No. 990072 continued...