

1 [PUBLIC SERVICE EASEMENT VACATION – 1098 HURON STREET]
 2 ORDERING THE SUMMARY VACATION AND SALE OF THE PUBLIC SERVICE
 3 EASEMENT LOCATED IN LOT 17 OF ASSESSOR’S BLOCK 7145, WHICH COMPRISES A
 4 PORTION OF 1098 HURON STREET, MAKING FINDINGS PURSUANT TO THE
 5 CALIFORNIA STREETS AND HIGHWAYS CODE CHAPTER 4 SECTIONS 8330 ET SEQ.
 6 (PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW,
 7 SUMMARY VACATION), MAKING FINDINGS OF CONFORMITY WITH THE GENERAL
 8 PLAN AND PRIORITY POLICIES OF PLANNING CODE SECTION 101.1, AND
 9 REQUESTING OFFICIAL ACTIONS IN CONNECTION WITH THE VACATION AND SALE.

Note: This entire section is new.

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

12 Section 1. **General Findings.** (a) The Public Works and Real Estate Departments
 13 have requested that the Board of Supervisors vacate and sell the public service easement
 14 located in Assessor’s Block 7145, Lot 17, which comprises a portion of 1098 Huron Avenue;

15 (b) The subject area is shown on the Department of Public Works’ drawing SUR-799,
 16 Change 1, copies of which are on file with the Clerk of the Board of Supervisors in File No.
 17 991991;

18 (c) California Streets and Highways Code Section 8306 defines public service
 19 easement to include “[a] right-of-way, easement, or use restriction acquired for public use by
 20 dedication or otherwise for . . . pathways” In 1912, a five (5) foot wide, ninety-five (95)
 21 foot long strip of land in Assessor’s Block 7145, Lot 17, which comprises a portion of 1098
 22 Huron Avenue, was dedicated to the public as “a perpetual public easement or right-of-way.”
 23 In accordance with the California Streets and Highways Code, this strip of land is a public
 24 service easement; and

SUPERVISOR YEE
BOARD OF SUPERVISORS

1 (d) California Streets and Highways Code Section 8333 provides that the legislative
2 body of a local agency may summarily vacate a public service easement if the easement has
3 not been used for the purposes for which it was dedicated for five (5) consecutive years
4 immediately preceding the proposed vacation.

5 Section 2. The Board of Supervisors finds the public service easement located in
6 Assessor's Block 7145, Lot 17, which comprises a portion of 1098 Huron Avenue, and
7 described in Department of Public Works' drawing SUR-799, Change 1, copies of which are
8 on file with the Clerk of the Board of Supervisors in File No. 991991, has not been
9 used for the purposes for which it was dedicated for more than five (5) consecutive years
10 immediately preceding this proposed vacation. In addition, the Board finds that no in-place
11 utility facilities exist in the portions of the easement that will be affected by the summary
12 vacation.

13 Section 3. Pursuant to California Streets and Highways Code, Division 9, Part 3,
14 Chapter 4, Sections 8330 et seq. (Public Streets, Highways, and Service Easements Law,
15 Summary Vacation), the Board of Supervisors hereby orders the summary vacation of the
16 public service easement located in Assessor's Block 7145, Lot 17, which comprises a portion
17 of 1098 Huron Avenue, as described in the aforementioned drawing. Furthermore, as of the
18 date of recordation of this Ordinance, the section of the public service easement described in
19 the aforementioned drawing will no longer constitute a public service easement.

20 Section 4. The Board of Supervisors adopts as its own and incorporates by reference
21 as though fully set forth herein the findings of the Planning Department in its letter dated
22 September 24, 1999. This letter states that the Planning Department finds that the proposed
23 vacation and sale of the subject area to be in conformity with the City's General Plan and with
24 the Eight Priority Policies of City Planning Code Section 101.1. A copy of such letter is on
25 file with the Clerk of the Board of Supervisors in File No. 991991.

SUPERVISOR YEE
BOARD OF SUPERVISORS

1 Section 5. The Board of Supervisors hereby authorizes the Director of Property, on
2 behalf of the City and County of San Francisco, to execute a purchase and sale agreement, a
3 quitclaim deed conveying the City's interest in the public service easement, and all other
4 documents and instruments necessary to effectuate the vacation and sale of the public
5 service easement to the underlying fee owner, Zhang Investment, Inc., copies of which are on
6 file with the Clerk of the Board of Supervisors in File No. 991991.

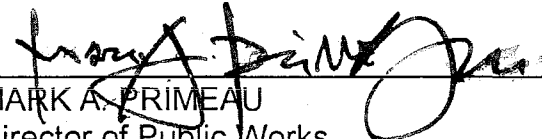
7 Section 6. The Board of Supervisors approves and ratifies the sale of the subject
8 portions of the aforementioned public service easement to Zhang Investment, Inc..

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

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


15 RECOMMENDED:

16 DEPARTMENT OF PUBLIC WORKS

17 
18 _____
19 MARK A. PRIMEAU
Director of Public Works


DESCRIPTION CERTIFIED BY:

DEPARTMENT OF PUBLIC WORKS

20 
21 _____
22 HARLAN L. KELLY, JR.
City Engineer


23 RECOMMENDED:

24 REAL ESTATE DEPARTMENT

25 
26 _____
27 ANTHONY J. DeLUCCHI
Director of Property

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney


28 _____
29 JOHN D. MALAMUT
Deputy City Attorney

SUPERVISOR YEE
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: 991991

Date Passed:

Ordinance ordering the summary of vacation and sale of the public service easement located in Assessor's Block 7145, Lot 17, which comprises a portion of 1098 Huron Avenue, making findings pursuant to the California Streets and Highways 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.

December 6, 1999 Board of Supervisors — PASSED, ON FIRST READING

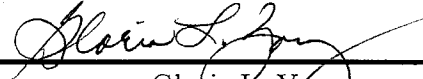
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

December 13, 1999 Board of Supervisors — FINALLY PASSED

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

File No. 991991

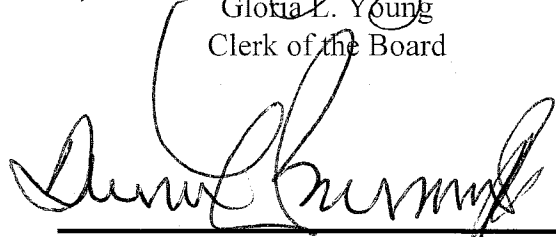
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on December 13,
1999 by the Board of Supervisors of the City
and County of San Francisco.



Gloria L. Young
Clerk of the Board

DEC 23 1999

Date Approved



Mayor Willie L. Brown Jr.