

1 [Eminent Domain – Resolution of Necessity]

2  
3 **Authorizing acquisition of Lot 001 in Assessor's Block 0074 in San Francisco by**  
4 **Eminent Domain for the Neighborhood Park Bond and Open Space Programs, and**  
5 **adopting findings under City Planning Code Section 101.1.**  
6

7 RESOLVED, That the public interest and necessity require the acquisition by eminent  
8 domain by the City and County of San Francisco, a municipal corporation, of the following  
9 described real property and any and all improvements and fixtures thereon, situated in the  
10 City (the "Property")

<u>Assessor's Block No.</u>	<u>Lot No.</u>
0074	001

13 and be it

14 FURTHER RESOLVED, That the City intends to use the property for the development  
15 and maintenance of open space under the Neighborhood Park Bond and Open Space  
16 Programs, and be it

17 FURTHER RESOLVED, That the Director of Planning in his letter dated August 15,  
18 2003, a copy of which is on file with the Clerk of the Board of Supervisors in File No. <sup>031551</sup>\_\_\_\_\_,  
19 found that the acquisition of the Property is categorically exempt from environmental review  
20 under CEQA and is consistent with the City's General Plan and with the Eight Priority Policies  
21 of City Planning Code Section 101.1, and be it

22 FURTHER RESOLVED, That the Board of Supervisors adopts as its own and  
23 incorporates by reference herein the findings made by the Director of Planning, in his letter  
24 dated August 15, 2003 that the acquisition of the Property is categorically exempt from  
25

1 environmental review under CEQA and is in conformity with the General Plan and consistent  
2 with the Eight Priority Policies of Planning Code Section 101.1; and be it

3 FURTHER RESOLVED, That acquisition of the Property by eminent domain is  
4 planned or located in the manner that will be most compatible with the greatest public good  
5 and the least private injury; and be it

6 FURTHER RESOLVED, That acquisition of the Property by eminent domain is  
7 necessary for the public use of the City for development and maintenance of open space  
8 under the Neighborhood Park Bond and Open Space Programs; and be it

9 FURTHER RESOLVED, That the City has made the offers to the owners of record of  
10 the Property as required by California Government Code Section 7267.2; and be it

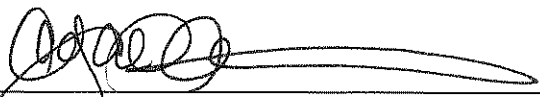
11 FURTHER RESOLVED, That, as provided under Sections 37350.5, 37351, 37352,  
12 38010, and 40404 of the California Government Code, and Sections 1240.010 through  
13 1240.050, inclusive, of the California Code of Civil Procedure, which authorize the City to  
14 acquire the property by eminent domain for open space, the City Attorney is hereby  
15 authorized and directed to commence proceedings in eminent domain against the owners of  
16 the Property, and any and all interests therein or claims thereto, for the condemnation thereof  
17 for the public use by the City for open space; and be it


18 FURTHER RESOLVED, That the cost to acquire the property by eminent domain shall  
19 be paid from Appropriation No. REC2SOSPCPR: CRP851; CRPNPS/EPPK03 <sup>((CRPACQ/01; CRP816; CRP818;</sup>, in an amount not to  
20 exceed \$ 1,825,000 (including closing costs), unless an additional certification is secured.


1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

RECOMMENDED:

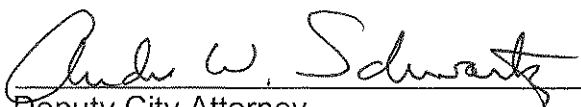
\$ 1,825,000 (includes closing costs)  
Available:

  
\_\_\_\_\_  
General Manager  
Recreation and Park Department

  
\_\_\_\_\_  
Edward M. Harrington  
Controller  
Appropriation: REC2S0SPCPR: (CRPACQ/01;  
CRP816; CRP818; CRP851; CRPNPS/EPPK03)


  
\_\_\_\_\_  
Director of Property

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

By:   
\_\_\_\_\_  
Deputy City Attorney

File No. 031551

I hereby certify that the foregoing Resolution was ADOPTED on February 10, 2004 by the Board of Supervisors of the City and County of San Francisco.

  
for Gloria L. Young  
Clerk of the Board

\_\_\_\_\_  
\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
\_\_\_\_\_  
Mayor Gavin Newsom

Date: February 19, 2004

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.

  
Clerk of the Board

File No.  
031551