

1 [Hunters Point Shipyard – Street Vacation Order.]

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3 **Ordinance ordering the vacation of portions of McKinnon Avenue, La Salle Avenue,**

4 **Kirkwood Avenue, Jerrold Avenue, Innes Avenue, Hudson Avenue, Boalt Street,**

5 **Coleman Street, ~~Donahue Street,~~ and Earl Galvez Avenue Street in Hunters Point**

6 **Shipyard Parcel “A-4A1” and Oakdale Avenue, Newcomb Avenue, McKinnon Avenue,**

7 **La Salle Avenue, Fitch Street, Griffith Street, and Earl Street in Hunters Point Shipyard**

8 **Parcel “A-2A2” along with public service easements in the aforementioned locations in**

9 **the Hunters Point Shipyard; making environmental findings and findings of**

10 **consistency with the City's General Plan, Planning Code Section 101.1, and the Hunters**

11 **Point Redevelopment Plan; quitclaiming the City's interest in the vacation areas;**

12 **reserving easement rights for various utilities, including SBC, Pacific Gas and Electric**

13 **Company, easement holders of record, and the City; accepting Department of Public**

14 **Works Order No. 175,163; and authorizing official acts in connection with this**

15 **Ordinance.**

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

18 deletions are *strikethrough italics Times New Roman*.

19 Board amendment additions are double underlined.

Board amendment deletions are ~~strikethrough normal~~.

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

21 Section 1. Findings.

22 (a) On December 14, 2005~~2004~~, the Board of Supervisors adopted Resolution

23 No. 734-04, a copy of which is on file with the Clerk of the Board of Supervisors in File No.

24 041542, being a Resolution declaring its intention to order the vacation of portions of

25 McKinnon Avenue, La Salle Avenue, Kirkwood Avenue, Jerrold Avenue, Innes Avenue,

1 Hudson Avenue, Boalt Street, Coleman Street, Donahue Street, and ~~Earl Galvez~~ Street in
2 portions of Hunters Point Shipyard Parcel "A-~~1A1~~" and Oakdale Avenue, Newcomb Avenue,
3 McKinnon Avenue, La Salle Avenue, Fitch Street, and Earl Street in Hunters Point Shipyard
4 Parcel "A-~~2A2~~" and public service easements in the aforementioned locations of the Hunters
5 Point Shipyard (collectively, the "Vacation Area"). The Vacation Area has not been modified
6 since adoption of the abovementioned Resolution, but its description should change Galvez
7 Street to Galvez Avenue and delete Donahue Street in Parcel A1 and add Griffith Street to
8 Parcel A2. The location and extent of the Vacation Area is shown on the Department of
9 Public Works' SUR Map No. 8004, dated ~~December~~, 2004January 3, 2005, a copy of such
10 map is on file with the Clerk of the Board of Supervisors in File No. 041543 and is
11 incorporated herein by reference.

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

16 (c) When such matter was considered as scheduled by the Board of Supervisors at its
17 regular meeting held in the City Hall, San Francisco, on January 11, 2005, beginning at
18 approximately 23:00 P.M., the Board heard all persons interested in such vacation.

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

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

3 (f) On December 2, 2004, the Planning Commission adopted Resolution Motion No.
4 16902, making findings of consistency with the General Plan and the eight priority policies of
5 Planning Code Section 101.1 for the various actions, including the actions contemplated
6 herein. A copy of this Resolution Motion is on file with the Clerk of the Board of Supervisors in
7 File No. 041535 and is incorporated by reference as though fully set forth herein. The Board
8 of Supervisors adopts as its own said consistency findings.

9 (g) In a letter dated January 7, 2005, 2004 (the "Agency Letter"), the Redevelopment
10 Agency found the vacation of the Vacation Area and other actions in furtherance thereof, are
11 "consistent with Hunters Point Shipyard Redevelopment Plan, described therein, and
12 recommends Board of Supervisors approval". A copy of the Agency Letter is on file with the
13 Clerk of the Board of Supervisors in File No. 041543 and is incorporated by reference as
14 though fully set forth herein. The Board of Supervisors adopts as its own the consistency
15 findings of the Agency Letter.

16 (gh) In DPW Order No. 175,163, dated January 7, 2005, 2004, a copy of which is on
17 file with the Clerk of the Board of Supervisors in File No. 041543, the Director of the
18 Department of Public Works and the City Engineer determined: (i) the Vacation Area is no
19 longer necessary for the City's present or prospective future public street and sidewalk and
20 public service easement purposes, (ii) the proposed ~~quit-claim~~ quitclaim of easement rights is
21 consistent with the Hunters Point Shipyard Redevelopment Plan, (iii) the value of such
22 exchange for future public right-of-way and public utilities, and other public benefits is equal
23 or in favor of the City, and (iv) there are no physical public utility facilities within the Vacation
24 Area except for SBC for telecommunications purposes; PG&E for power and gas transmission
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1 purposes; and various City utilities; and other utilities of record, including but not limited to
2 utilities for the benefit of land owned or ground leased by the San Francisco Housing Authority
3 and Bridge Housing Corporation. A copy of the DPW Order is on file with the Clerk of the
4 Board of Supervisors in File No. 041543. The Board of Supervisors adopts as its own and
5 incorporates by reference herein as if fully set forth, the recommendations of the Director of
6 the Department of Public Works ~~and the City Engineer~~ as set forth in DPW Order No. 175,163
7 concerning the vacation of the Vacation Area and other actions in furtherance thereof.

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

10 (i) From all the evidence submitted at the public hearing noticed in the Resolution No.
11 734-04 and the associated materials on file with the Clerk of the Board in File Nos. 041542
12 and 041543, the Board of Supervisors finds that the Vacation Area, as described in said
13 Resolution and modified herein, is no longer necessary for the City's use for public streets,
14 subject to the reservations and conditions described in this Ordinance.

15 (j) The public interest, convenience and necessity require that the City reserve from
16 the vacation of the Vacation Area solely the following: (i) non-exclusive easement(s) for the
17 benefit of SBC; (ii) non-exclusive easement(s) for the benefit of PG&E; ~~and~~ (iii) non-exclusive
18 easement(s) for the benefit of various City utilities; and (iv) non-exclusive easement(s) for the
19 benefit of those record easement holders including, but not limited to, the San Francisco
20 Housing Authority and the Bridge Housing Corporation, in, upon, and over that certain portion
21 of the Vacation Area in which their respective in-place and functioning facilities are located or
22 to be located in the future as shown on said SUR Map Nos. 9004, 10004, 11004, and 12004,
23 dated December 2004-January 3, 2005, to the extent necessary to maintain, operate, repair
24 and remove existing lines of pipe, conduits, cables, wires, poles, and other convenient
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1 structures, equipment and fixtures for the operation of SBC for telecommunications facilities;
2 PG&E for power and gas transmission purposes; ~~and various City utilities;~~ and other public
3 and private utilities for record easement holders as specified above, together with reasonable
4 access to the foregoing facilities for the purposes set forth above. Copies of said SUR maps
5 are on file with the Clerk of the Board in File No. 041543, and are incorporated herein by
6 reference. The public interest, convenience and necessity require, except as specifically
7 provided in this Ordinance above, that no other easements or other rights be reserved for any
8 public or private utility facilities that are in place in such Vacation Area and that any rights
9 based upon any such public or private utility facilities are extinguished.

10 (k) The public interest and convenience require that the vacation be done as declared
11 in the Resolution No. 734-04, and as modified herein.

12 Section 2. Except as set forth in Section 3 below, the Vacation Area, as shown on
13 SUR Map No. 8004, is hereby ordered vacated in the manner described in the Resolution No.
14 734-04, as modified herein and pursuant to California Streets and Highways Code sections
15 8300 et seq. and Public Works Code section 787(a).

16 Section 3. The vacation of the Vacation Area is conditioned upon the reservation of (i)
17 non-exclusive easement(s) for the benefit of SBC; (ii) non-exclusive easement(s) for the
18 benefit of PG&E; ~~and~~ (iii) non-exclusive easement(s) for the benefit of various City utilities;
19 and (iv) non-exclusive easement(s) for the benefit of those record easement holders including,
20 but not limited to, the San Francisco Housing Authority and the Bridge Housing Corporation,
21 in, upon, and over that certain portion of the Vacation Area in which their respective in-place
22 and functioning facilities are located or to be located in the future as shown on said SUR Map
23 Nos. 9004, 10004, 11004, and 12004 to the extent necessary to maintain, operate, repair and
24 remove existing lines of pipe, conduits, cables, wires, poles, and other convenient structures,
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1 equipment and fixtures for the operation of SBC for telecommunications facilities; PG&E for
2 power and gas transmission purposes; ~~and various City utilities;~~ and other utilities of record,
3 including but not limited to those of the San Francisco Housing Authority and Bridge Housing
4 Corporation, together with reasonable access to the foregoing facilities for the purposes set
5 forth above.

6 Section 4. Notwithstanding the provisions of Administrative Code Chapter 23, the The
7 Board of Supervisors hereby authorizes the Director of Property to execute the following
8 documents as provided therein:

9 (a) City quitclaim deed(s) to the San Francisco Redevelopment Agency for portions
10 of the Vacation Area; and

11 (b) City ~~quitclaim~~ reservation of various easements to the respective private utilities
12 and other easement holders of record for rights reserved in the vacation on their behalf and
13 reservation of easements on behalf of City utilities.

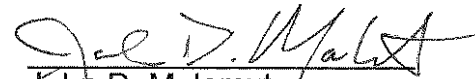
14 Section 5. The Board of Supervisors hereby directs the Clerk of the Board of
15 Supervisors to transmit to the Director of Public Works a certified copy of this Ordinance, and
16 the Board of Supervisors hereby urges the Director of Public Works to proceed in the manner
17 required by law. The Clerk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

21 Section 6. All actions heretofore taken by the officers of the City with respect to this
22 Ordinance are hereby approved, confirmed and ratified, and the Mayor, Clerk of the Board,
23 Director of Property, and Director of Public Works are hereby authorized and directed to take
24 any and all actions which they or the City Attorney may deem necessary or advisable in order
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1 to effectuate the purpose and intent of this Ordinance (including, without limitation, the filing of
2 the Ordinance in the Official Records of the City and County of San Francisco and
3 confirmation of satisfaction of any of the conditions to the effectiveness of the vacation of the
4 Vacation Area hereunder and ~~confirmation of the termination~~ confirmation of the granting of
5 any easements reserved hereunder pursuant to Section 3 of this Ordinance and execution
6 and delivery of any evidence of the same, which shall be conclusive as to the satisfaction of
7 such conditions upon signature by any such City official or his or her designee).


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

11 By:


12 John D. Malamut
13 Deputy City Attorney

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RECOMMENDED:
DEPARTMENT OF PUBLIC WORKS

By: 
Edwin M. Lee
Director of Public Works

RECOMMENDED:
DIRECTOR OF PROPERTY

By: 
Steve Legnitto
Director of Property

RECOMMENDED:
DEPARTMENT OF PUBLIC WORKS

By: 
Robert P. Beck
City Engineer Deputy Director of Engineering



City and County of San Francisco

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

Tails Ordinance

File Number: 041543

Date Passed:

Ordinance ordering the vacation of portions of McKinnon Avenue, La Salle Avenue, Kirkwood Avenue, Jerrold Avenue, Innes Avenue, Hudson Avenue, Boalt Street, Coleman Street, Donahue Street, and Galvez Street in Hunters Point Shipyard Parcel "A1" and Oakdale Avenue, Newcomb Avenue, McKinnon Avenue, La Salle Avenue, Fitch Street, and Earl Street in Hunters Point Shipyard Parcel "A2" along with public service easements in the aforementioned locations in the Hunters Point Shipyard; 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 various utilities, including SBC, Pacific Gas and Electric Company, easement holders of record and the City; accepting Department of Public Works Order No. 175,121; and authorizing official acts in connection with this Ordinance.

December 7, 2004 Board of Supervisors — CONTINUED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

January 11, 2005 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

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

January 11, 2005 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

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

January 25, 2005 Board of Supervisors — FINALLY PASSED

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

File No. 041543

I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on **January 25, 2005**
by the Board of Supervisors of the City and
County of San Francisco.

FEB 04 2005

Date Approved

Kay Gulberg
for Gloria L. Young
Clerk of the Board

[Signature]
Mayor Gavin Newsom