FILE NO. 061516

RESOLUTION NO. 21-07

[Vacation of sewer and water line easements in former Hubbell Street (a portion of Assessor's Block 8709, Lot 11)]

Resolution declaring the intention of the Board of Supervisors to vacate a 10-foot wide water line easement and 20-foot wide sewer easement in former Hubbell Street within the Mission Bay South Redevelopment Project Area; setting the hearing date <u>for</u> <u>February 27, 2007 at 3:00 p.m.</u> for all persons interested in the proposed vacation of the easements; and adopting findings that the vacation is consistent with the City's General Plan, the eight priority policies of City Planning Code Section 101.1 and the Mission Bay South Redevelopment Plan; accepting the Department of Public Works Order No. 176,502, dated October 24, 2006; and authorizing other official acts in connection with this Resolution.

WHEREAS, This vacation proceeding of a 10-foot wide water line easement and 20foot wide sewer easement is conducted under the general vacation procedures of the Public Streets, Highways and Service Easements Vacation Law (California Streets and Highways Code sections 8300 et seq.); and

WHEREAS, Section 787(a) of the San Francisco Public Works Code provides that the street vacation procedures of the City and County of San Francisco (the "City") shall be in accordance with the applicable procedures of the California Streets and Highways Code and such rules and conditions as are adopted by the Board of Supervisors; and

WHEREAS, The Easement proposed to be vacated are (i) that certain Parcel 2, a 10foot wide strip of land for water line purposes, and (ii) that certain Parcel 3, a 20-foot wide strip of land for sewer purposes in former Hubbell Street, recorded November 26, 1963, in Book A681, Official Records, at Page 0574 and shown on the Department of Public Works' (DPW) SUR Map No. 7006, dated October 24, 2006, (the "Easements").

Copies of said SUR Map are on file with the Clerk of the Board of Supervisors in File No.061516; and,

WHEREAS, In DPW Order No. 176,502, dated October 24, 2006, the Director of DPW (the "Director") and the City Engineer found and determined that with respect to the vacation of the Easements, (i) the vacation is pursuant to the California Streets and Highway Code Sections 8300 et seq. concerning the vacation of public streets and public service easements and the City Administrative Code Section 1.51, and the existing sewer easement is not needed for sewer purposes and the water line easement is proposed to be abandon or replaced in the future, (ii) The retention of the above referenced Easements would result in practical difficulties and unnecessary hardships affecting the property and be inconsistent with the general purpose and intent of the Redevelopment Plan for Mission Bay South, (iii) the vacation and quitclaim of said Easements will not materially increase the City's obligations or materially diminish the City's rights under the Mission Bay Plan and Plan Documents, and (iv) such vacation and quitclaim will not be materially detrimental to the public welfare or injurious to other property in the area in which the Easements are situated. A copy of the DPW Order is on file with the Clerk of the Board of Supervisors in File No. 061516 and is incorporated by reference as though fully set forth herein. The Board of Supervisors adopts as its own the findings and determinations of the Director and the City Engineer as set forth in DPW Order No. 176,502 and approves their recommendation in connection with the proposed vacation of the Easements located in former Hubbell Street; and,

WHEREAS, In a letter dated December 9, 2004 (the "Planning Department Letter"), a copy of which is on file with the Clerk of the Board of Supervisors in File No. 061516, the City Planning Department found that the proposed vacation of the Easements located in former Hubbell Street, and other actions are consistent with the General Plan consistency findings of Case No. 96.771R, the eight priority policies of Planning Code Section 101.1 and the

contemplated actions do not trigger the need for subsequent environmental review pursuant the California Environmental Quality Act (CEQA) (California Public Resources Code sections 21000 et seq.); and

WHEREAS, In a letter dated August 8, 2006, (the "Agency Letter"), a copy of which is on file with the Clerk of the Board of Supervisors in File No. 061516, the San Francisco Redevelopment Agency found that the proposed vacation of the Easements located in former Hubbell Street and other actions, are consistent with the Mission Bay South Redevelopment Plan and Plan Documents, and recommends Board of Supervisors approval; and

WHEREAS, The vacation of the Easements located in former Hubbell Street is consistent with the development of the Regents of the University of California Campus Site in the Mission Bay South Redevelopment Project Area and is consistent with the Mission Bay South Redevelopment Plan adopted by the Board of Supervisors on November 2, 1998 (the "Redevelopment Plan") and the Plan Documents (as that term is defined in the Redevelopment Plan), now therefore be it

RESOLVED, Pursuant to Section 8320 of the California Streets and Highways Code, the Board of Supervisors hereby declares that it intends to order the vacation of the Easements located in former Hubbell Street, as shown on said SUR Map 7006; and, be it

FURTHER RESOLVED, That the vacation of the water line easement shall be conditioned upon and not become effective until the earliest to occur of (i) City's acceptance of the dedication of a utility or other facility which provides substantially equivalent or greater levels of service, (ii) a determination by the Director and the General Manager of the Public Utilities Commission (the "General Manager") that both (1) such facilities are no longer required, and (2) either (A) reasonable alternative service has been provided to areas served by the water line, or (B) the areas served by the applicable portion of the water line no longer require the service and that new facilities shall be placed in newly dedicated streets pursuant

to then applicable franchise rights or other applicable state or federal laws or otherwise in locations and on terms and conditions reasonably satisfactory to the City, including, the Director and the General Manager; or (iii) FOCIL provides alternative facilities and grants to City and City accepts an immediate temporary substitute easement, or other instrument which will, in the reasonable judgment of the Director of DPW and the General Manager, satisfy the requirements of water facilities, and/or which provide a direct alternative means of service and immediately upon satisfaction of the this condition, the Clerk of the Board of Supervisors and the Director of Real Property shall be authorized and the clerk shall be directed to record (or cause to be recorded) a certified copy of the Ordinance ordering such vacation as provided in Section 8325(a) of the California Streets and Highways Code, and thereupon such vacation shall be effective without any further action by the Board of Supervisors; and, be it

FURTHER RESOLVED, That notice is hereby given that on the <u>27th</u> day of <u>February</u>, 2006 <u>2007</u>, beginning at approximately 3:00 PM in the Legislative Chambers of the Board of Supervisors, all persons interested in or objecting to the proposed vacation will be heard; and, be it

FURTHER RESOLVED, That the Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth, the findings and determinations in (i) the DPW Order No. 176,502, (ii) the Planning Department Letter (including the consistency findings and the CEQA findings), and (iii) the Agency Letter, all in connection with the proposed vacation of the Easements located in former Hubbell Street and other actions set forth herein; and, be it

FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board to transmit to the Department of Public Works a certified copy of this resolution, and the Board of Supervisors urges the Director of DPW to publish and post notice of this resolution promptly in the manner required by law.

RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS

RECOMMENDED:

DIRECTOR OF PROPERTY

By: _____

By: <u>See originals for signature</u> Robert P. Beck

Amy L. Brown

Deputy Director of Engineering, DPW

Director of Property

RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS

By: _____

Bruce R. Storrs

City and County Surveyor

Department of Public Works BOARD OF SUPERVISORS

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

Tails

Resolution

File Number: 061516

Date Passed:

Resolution declaring the intention of the Board of Supervisors to vacate a 10-foot wide water line easement and 20-foot wide sewer easement in former Hubbell Street within the Mission Bay South Redevelopment Project Area; setting the hearing date for February 27, 2007 at 3:00 p.m.for all persons interested in the proposed vacation of the easements; and adopting findings that the vacation is consistent with the City's General Plan, the eight priority policies of City Planning Code Section 101.1 and the Mission Bay South Redevelopment Plan; accepting the Department of Public Works Order No. 176,502, dated October 24, 2006; and authorizing other official acts in connection with this Resolution.

January 23, 2007 Board of Supervisors - ADOPTED

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

File No. 061516

I hereby certify that the foregoing Resolution was ADOPTED on January 23, 2007 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young Clerk of the Board

Date Approved

Mayor Gavin Newsom

File No. 061516