

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS  
RESOLUTION No. 12-034

WHEREAS, The San Francisco Municipal Transportation Agency (SFMTA) intends to construct the Central Subway Project (Project) to provide rail service to the South of Market and Chinatown neighborhoods; and,

WHEREAS, The Project is the second phase of the SFMTA's Third Street Light Rail Project and the Project will add 1.67 miles of light rail track north from the northern end of the new Third Street Light Rail at Fourth and King Streets to a terminal in Chinatown, serve regional destinations, including Chinatown (the most densely populated area of the country that is not currently served by modern rail transportation), Union Square, Moscone Convention Center, Yerba Buena, SoMa and AT&T Park, connect BART and Caltrain (the Bay Area's two largest regional commuter rail services), serve a low auto ownership population of transit customers, increase transit use and reduce travel time, reduce air and noise pollution, and provide congestion relief; and,

WHEREAS, The public interest and necessity require the construction and operation of the Project to achieve such benefits; and,

WHEREAS, The Project will include four subway stations and connecting subsurface tunnels to provide direct rail service to the South of Market and Chinatown neighborhoods, and the Project has been planned and located in a manner that will be most compatible with the greatest public good and the least private injury; and,

WHEREAS, The Final Environmental Impact Statement / Environmental Impact Report ("SEIS/SEIR") for the Project was certified by the San Francisco Planning Commission on August 7, 2008 and a Record of Decision was issued by the Federal Transit Administration on November 26, 2008; and,

WHEREAS, There have been no substantial changes proposed for the Project which will require major revisions to the SEIS/SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; no substantial changes have occurred with respect to the circumstances under which the Project is being undertaken which will require major revisions in the SEIS/SEIR; and no new information of substantial importance has become available which was not known and could not have been known at the time the SEIS/SEIR was certified as complete and that would result in either significant environmental effects not discussed in the SEIS/SEIR, a substantial increase in the severity of previously identified significant effects, or feasible mitigation measures or alternatives that would substantially reduce one of the significant effects but which have not been adopted; and,

WHEREAS, The Project will assist the SFMTA in meeting the objectives of Goal No. 1 of the Strategic Plan (to provide safe, accessible, clean, environmentally sustainable service and encourage the use of auto-alternative modes through the Transit First policy), of Goal No. 2 (to improve transit

reliability), of Goal No. 3 (to improve economic vitality through improved regional transportation), and of Goal No. 4 (to ensure the efficient and effective use of resources); and,

WHEREAS, The property located at 150 Stockton Street, San Francisco, Assessor's Block 0313, Lot 018 (Property), is owned by Neiman-Marcus Group, Inc. ("Owner") and abuts the Project right of way; and,

WHEREAS, To construct the Project's Union Square/Market Street Station, the SFMTA needs to acquire a temporary construction license (License) to install subsurface piles within an approximate 536-square-foot portion of the Property, between the depths of approximately 107.2' to 158' below the ground surface, and to install settlement monitoring equipment at the Property; and,

WHEREAS, The acquisition and use of the License is necessary to construct the Project's Union Square/Market Street Station; and,

WHEREAS, The Project has been planned and located in a manner that will be most compatible with the surrounding area, the greatest public good and interest, and the least private injury; and,

WHEREAS, The SFMTA has limited any potential private injury by seeking to acquire the License; and,

WHEREAS, The SFMTA has obtained an appraisal dated as of November 17, 2011, which determined that the fair market value of the License is \$8,400; the SFMTA also obtained a review appraisal of the License that concurred that its fair market value is \$8,400; and,

WHEREAS, The SFMTA mailed an offer to the Owner on January 17, 2012, to acquire the License for \$8,400, subject to the negotiation of a license agreement, and the SFMTA is in discussions with the Owner to negotiate the License terms; and,

WHEREAS, If the SFMTA and Owner do not agree to the acquisition of the License within the next two months, it would delay the construction of the Project and cause Project delays; and,

WHEREAS, Funding for the License, either by negotiation or by eminent domain, will be furnished from federal, state and local sources; now, therefore, be it

RESOLVED, That the SFMTA Board of Directors requests the Board of Supervisors to consider adoption of a Resolution of Necessity for the acquisition of the License for the real property at 150 Stockton, San Francisco for its fair market value; and if the Board of Supervisors adopts such Resolution of Necessity, authorizes the Director of Transportation to take such actions that are consistent with the City's Charter and all applicable law, to proceed to acquire the License by eminent domain.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of March 20, 2012.

*R. Bowmer*

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Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency