

SUPPLEMENTAL XI.—*An Act to declare and regulate the power of the Board of Supervisors of the City and County of San Francisco to take private lands for certain public improvements, and to prescribe the manner of its execution.*—Approved April 4, 1864.

SECTION 1. The Board of Supervisors of the City and County of San Francisco shall have power to determine, by order, to lay out, open, extend, widen, or straighten, any street, alley, square, park, road, or highway, in said city and county, and that it will be necessary to take private lands for that purpose, and for that purpose they shall enter in their minutes a resolution or ordinance declaring such determination, containing a description of the lands so deemed necessary, and also of that part or portion of said city and county, and those railroad companies and corporations, if any which they adjudge will be benefited by said improvement, and which ought to bear the expense thereof; such descriptions to be made with like certainty as is required by law in complaints in actions of ejectment, to refer to all such lands by the adjoining streets, and the numbers of the lots of which they are composed or form a part, as the same are or shall be laid down upon the official map of said city and county, if the same are so laid down on said map, or if not so laid down, to refer to the sections, half sections, quarter sections, or fractional sections, of which the same are composed or form a part, as the same are laid down on the official map of the United States. The said Board of Supervisors shall thereupon make an order directing some officer or officers of said city and county, to be designated in said order, to ascertain and report to them an estimate of the whole expense of the said improvements. Upon such report being made, the said Board of Supervisors shall pass an order requiring all persons interested in the subject matter of the said improvement to attend the said Board of Supervisors at a time fixed by the said Board of Supervisors, and to be specified in said order for that purpose. The said Board of Supervisors shall cause all such orders, resolutions, ordinances, and reports, to be published together daily, for one week, in two daily newspapers, published in the said City and County of San Francisco. After the completion of such publication, and upon proof thereof, and at the time appointed therefor as aforesaid, the said Board of Supervisors shall proceed to hear the allegations of the owners and occupants of the houses, lots, and lands, situated within the portion or part of the said city and county so described as aforesaid, and after hearing the same, shall make such further order in respect to such improvement as they shall deem proper.

SEC. 2. If the said Board of Supervisors shall determine to proceed with such contemplated improvement, they shall thereupon pass and enter in their minutes a final ordinance or resolution, declaring such determination, containing a description of the land deemed necessary to be taken therefor, and also of that portion of the said city and county and those railroad corporations and companies, if any, which will be benefited by said improvement, and upon which the expense thereof is to be assessed, which description shall contain the certainty and particularity required in that behalf in the next preceding section of this Act.

SEC. 3. The said Board of Supervisors may purchase the whole or any part of the land so finally declared to be necessary for such public improvement, of the owner or owners, and make such compensation therefor as the said Board may deem reasonable, and shall thereupon receive from such owner or owners a conveyance of said land to said city and county. In case all the land so declared necessary for such public improvement shall be so purchased and conveyed to said city and county, and the expense of such improvement shall have been declared in manner aforesaid to be a benefit to and the expense thereof to be assessed upon the whole of said city and county, the said Board of Supervisors shall cause the expenses of the said contemplated public improvement to be assessed upon the whole of the taxable property of said city and county, and to be included in and form a part of the next general assessment roll of said city and county, being stated in a separate column thereof, and with the like effect in all respects as if the same formed a part of the State and county taxes; and when the same shall have been collected the said Board of Supervisors shall cause the said contemplated public improvement to be forthwith made and completed.

SEC. 4. The said Board of Supervisors shall cause a map of said contemplated public improvement to be made, designating on such map the lots, tracts, and parcels of land which shall have been declared necessary to be taken for the same as aforesaid, and showing the commencement, boundaries, and determination of such contemplated improvement, and also the part and portion of said city and county, the corporations and companies as aforesaid, declared to be benefited by the same, and to be assessed therefor, with the like certainty as required by the first section of this Act, which map shall be filed in the office of the Clerk of said Board of Supervisors.

SEC. 5. In case a part or portion of said city and county, and not the whole of said city and county shall [have] been declared to be benefited by such contemplated improvement, and to be assessed for the expense thereof, as hereinbefore provided, the said Board of Supervisors shall cause to be published daily for one week, in the official newspaper of said Board in said city and county, a notice specifying and describing the land so declared necessary for such