

1 [Real Property Agreement - California Department of General Services, California Military  
2 Department - 100 Armory Drive - San Francisco Westside Recycled Water Project - \$2,000]

3 **Resolution approving and authorizing an agreement for conveyance and acceptance of**  
4 **interests in real property from State of California Department of General Services**  
5 **acting on behalf of the State of California Military Department consisting of easements**  
6 **for subsurface tiebacks, access, and maintenance over real property located at 100**  
7 **Armory Drive, for \$2,000 as part of the San Francisco Public Utilities Commission**  
8 **Water System Improvement Program-Funded Project CUW30201, Westside Recycled**  
9 **Water Project; and authorizing the General Manager of the San Francisco Public**  
10 **Utilities Commission, or Director of Property to execute documents, make certain**  
11 **modifications and take certain actions in furtherance of this Resolution, as defined**  
12 **herein.**

13  
14 WHEREAS, The San Francisco Public Utilities Commission (“SFPUC”) developed and  
15 approved Project CUW30201, Westside Recycled Water Project (“Project”) under its Water  
16 System Improvement Program (“WSIP”) for the purpose of constructing a new recycled water  
17 treatment facility, pump station, underground reservoir and associated pipelines that will  
18 produce and deliver up to two million gallons per day of recycled water for irrigation, lake fill,  
19 and other non-potable uses; and

20 WHEREAS, Pursuant to a Deed for ninety-nine years that was recorded on August 19,  
21 1953, the State of California Department of General Services (“State”) representing the State  
22 of California Military Department, owns an estate for years in certain real property located at  
23 100 Armory Street in the City and County of San Francisco (“Armory Property”) and has  
24 agreed to quitclaim certain easement interests under, over, and across the Armory Property  
25 (“Easements”) to the City and County of San Francisco (“City”), which will consist of (a) an

1 approximately 4,252 square foot portion of the Armory Property to allow City to construct  
2 Project improvements, (b) an approximately 25,203 square foot portion of the Armory Property  
3 to allow City to install and maintain subsurface tieback easements necessary for Project  
4 construction, and (c) an approximately 1,857 square foot portion of the Armory Property to  
5 allow City to perform maintenance in connection with the Project; and

6 WHEREAS, An Environmental Impact Report (“EIR”) as required by the California  
7 Environmental Quality Act (“CEQA”) was prepared for the Project Department, File No.  
8 2008.0091E; and

9 WHEREAS, On September 3, 2015, the San Francisco Planning Commission (a)  
10 certified the FEIR for the Project by Motion M-19442; (b) adopted findings under CEQA,  
11 including the adoption of a Mitigation Monitoring and Reporting Program (“MMRP”) and a  
12 statement of overriding considerations (“CEQA Findings”) by Motion No. 19443; and (c)  
13 found the Project consistent with the General Plan, and eight priority policies of Planning;  
14 Section 101.1 (“General Plan Findings”) by Motion No. 19444: copies of the motions are on  
15 file with the Clerk of the City’s Board of Supervisors (“Board”) under File No. 171215, which  
16 is incorporated herein by this reference; and

17 WHEREAS, By Resolution No. 15-0187 adopted as effective on September 8, 2015,  
18 a copy of which is on file with the Clerk of the Board under File No. 171215, which is  
19 incorporated herein by this reference, the SFPUC (a) adopted CEQA Findings, including a  
20 statement of overriding conditions and a Mitigation Monitoring and Reporting Program  
21 (“MMRP”) required by CEQA; (b) approved the Project and (c) authorized the General  
22 Manager of the SFPUC to implement the Project; and

23 WHEREAS, By Resolution No. 16-0049 adopted as effective as of March 8, 2016, a  
24 copy of which is on file with the Clerk of the Board under File No. 171215, which is  
25 incorporated herein by this reference, the SFPUC approved the proposed Agreement for

1 Conveyance and Acceptance of Real Property (“Agreement”) whereby SFPUC will  
2 purchase the Easements from the State; and

3 WHEREAS, The Project files, including the FEIR, PEIR, SFPUC Resolution No. 15-  
4 0187, and SFPUC Resolution No. 16-0049 have been made available for review by the  
5 Board and the public, and those files are considered part of the record before this Board;  
6 and

7 WHEREAS, On July 30, 2015, an independent appraiser determined the fair market  
8 value of the Easements to be \$2,000; and

9 WHEREAS, As additional consideration to the State, the SFPUC shall reimburse  
10 applicable administrative costs to the State in an amount not to exceed \$15,000; and

11 WHEREAS, A copy of the proposed Agreement is on file with the Clerk of the Board  
12 under File No. 171215, which is incorporated herein by this reference, and is considered  
13 part of the record before this Board; now, therefore, be it

14 RESOLVED, That in accordance with the recommendations of the Public Utilities  
15 Commission and the Director of Property, the Board hereby approves the Agreement and the  
16 transaction contemplated thereby in substantially the form of such Agreement presented to  
17 the Board; and, be it

18 FURTHER RESOLVED, That the Board authorizes the Director of Property and/or  
19 the General Manager of the SFPUC to enter into any additions, amendments, or other  
20 modifications to the Agreement (including, without limitation, the attached exhibits) that the  
21 Director of Property and/or the General Manager determines are in the best interest of the  
22 City, do not materially increase the obligations or liabilities of the City, and are necessary or  
23 advisable to complete the transaction contemplated in the Agreement and effectuate the  
24 purpose and intent of this Resolution, such determination to be conclusively evidenced by  
25

1 the execution and delivery by the Director of Property or the General Manager of the  
2 Agreement and any additions or amendments thereto; and, be it

3 FURTHER RESOLVED, That the Director of Property and/or the General Manager  
4 of the SFPUC is hereby authorized and urged, in the name and on behalf of the City and  
5 County, to execute the Agreement with the State in accordance with the terms and  
6 conditions of the Agreement, and to take any and all steps (including, but not limited to, the  
7 execution and delivery of any and all certificates, agreements, notices, consents, escrow  
8 instructions, closing documents and other instruments or documents) as the Director of  
9 Property and/or the General Manager of the SFPUC deems necessary or appropriate  
10 pursuant to the Agreement, or to otherwise effectuate the purpose and intent of this  
11 Resolution, such determination to be conclusively evidenced by the execution and delivery  
12 by the Director of Property and/or the General Manager of the SFPUC; and, be it

13 FURTHER RESOLVED, That upon execution of the Agreement, the San Francisco  
14 Public Utilities Commission shall transmit to the Clerk of the Board a copy of the  
15 Agreement, for inclusion in File No. 171215.

\$17,000.00 available  
Index Code: 730263

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Controller

RECOMMENDED:

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Director of Property  
Real Estate Division

RECOMMENDED:

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General Manager  
San Francisco Public Utilities Commission