

1 [Acceptance of Real Property – Dearborn Street]

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3 **Resolution authorizing an agreement under which the San Francisco League of Urban**
4 **Gardeners (SLUG) will transfer title to real property located on Dearborn Street (Lot**
5 **Nos. 040 and 073, Block No. 3577), the use of which is restricted to a community**
6 **garden; adopting findings that the conveyance is exempt from Environmental Review**
7 **and is consistent with the City's General Plan and Eight Priority Policies of City**
8 **Planning Code Section 101.1; and authorizing the Director of Property to execute**
9 **documents, accept the deeds to property and take certain actions in furtherance of this**
10 **Resolution.**

11
12 WHEREAS, In 2002, the City and County of San Francisco ("City"), acting through,
13 respectively, the Mayor's Office of Community Development (now known as the Community
14 Development Division of the Mayor's Office of Housing and formerly known as the Mayor's
15 Office of Community Investment) ("MOCI"), the Department of Public Works ("DPW") and the
16 San Francisco Library Commission (the "Public Library") entered into grant agreements
17 (collectively, the "Grant Agreements") with the San Francisco League of Urban Gardeners
18 ("SLUG"); and,

19 WHEREAS, The City alleges that SLUG breached the Grant Agreements and currently
20 owes the City a substantial sum of money; and,

21 WHEREAS, SLUG has ceased its operations and is in the process of resolving its
22 obligations to creditors, and intends to dissolve the non-profit public benefit corporation; and,

23 WHEREAS, SLUG owns or will own certain real property located on Dearborn Street,
24 listed in the Tax Assessor's rolls as Lot 49 and Lot 73 in San Francisco Assessor's Block
25 3577 (the "Property"); and,

1 WHEREAS, The deeds by which SLUG took or will take title to the Property contain
2 certain use conditions requiring that the Property be used solely and perpetually for the
3 purpose of maintaining a public garden, as further described therein; and,

4 WHEREAS, Under the terms and conditions of an Agreement Regarding Conveyance
5 of Property and Release of Claims (the "Agreement") on file with the Clerk of the Board of
6 Supervisors in File No. 100021, SLUG agrees to quitclaim SLUG's interest in the
7 Property to the City and to pay the City \$10,000; and,

8 WHEREAS, The Director of MOCI, the Director of DPW, and the City Librarian have
9 each recommended resolving the defaults of SLUG under agreements with their respective
10 departments on the terms and conditions set forth in the Agreement, as evidenced by letters
11 on file with the Clerk of the Board of Supervisors in File No. 100021; and,

12 WHEREAS, The Director of Planning, by letters dated October 9, 2004, and
13 December 17, 2009, found that the acquisition of the Property contemplated by the
14 Agreement is consistent with the City's General Plan and with the Eight Priority Policies of
15 City Planning Code Section 101.1, and is exempt from Environmental Review, which letters
16 are on file with the Clerk of the Board of Supervisors in File No. 100021, and are
17 incorporated herein by this reference; and,

18 WHEREAS, By letter dated December 18, 2009, which letter is on file with the Clerk of
19 the Board of Supervisors in File No. 100021, the Director of DPW agreed to accept
20 jurisdiction of the Property for use as a community garden; now, therefore, be it

21 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
22 hereby finds that the acquisition of the Property is consistent with the General Plan, and with
23 the Eight Priority Policies of City Planning Code Section 101.1 and is exempt from
24 Environmental Review for the same reasons as set forth in the letters of the Director of
25

1 Planning, dated October 9, 2004, and December 17, 2009, and hereby incorporates such
2 findings by reference as though fully set forth in this Resolution; and, be it

3 FURTHER RESOLVED, That in accordance with the recommendations of the Director
4 of MOCI, the Director of DPW, the City Librarian, the Director of Property, and the City
5 Attorney, the Board of Supervisors hereby approves the Agreement and the transaction
6 contemplated thereby; and, be it

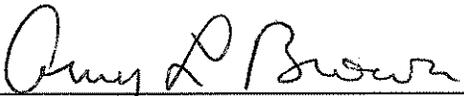
7 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
8 Property to enter into the Agreement and any additions, amendments or other modifications to
9 the Agreement (including, without limitation, the attached exhibits) that the Director of
10 Property determines are in the best interest of the City, that do not materially increase the
11 obligations or liabilities of the City, and are necessary or advisable to complete the acquisition
12 of the Property contemplated in the Agreement and effectuate the purpose and intent of this
13 Resolution, provided such additions, amendments or other modifications are approved as to
14 form by the City Attorney; and, be it

15 FURTHER RESOLVED, That the Director of Property is hereby authorized and urged,
16 in the name and on behalf of the City, to accept the deed to the Property from SLUG in
17 accordance with the terms and conditions of the Agreement and place the Property under the
18 jurisdiction of the DPW, to make payment to Quartararo & Quartararo, PLLC, Attorneys at
19 Law, for legal fees incurred on behalf of New Century Beverage Company in accordance with
20 the terms and conditions of the Agreement, and to take any and all steps (including, but not
21 limited to, the execution and delivery of any and all certificates, agreements, notices,
22 consents, escrow instructions, closing documents and other instruments or documents) as the
23 Director of Property deems necessary or appropriate in order to consummate the conveyance
24 of the Property pursuant to the Agreement, or to otherwise effectuate the purpose and intent
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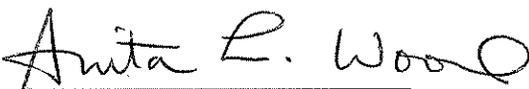
1 of this resolution, such determination to be conclusively evidenced by the execution and
2 delivery by the Director of Property of any such documents; and, be it

3 FURTHER RESOLVED, That the sums received by the City from SLUG under the
4 Agreement shall be used by the Department of Real Estate to cover the payment to
5 Quartararo & Quartararo, PLLC, Attorneys at Law, for legal fees incurred on behalf of New
6 Century Beverage Company in accordance with the terms and conditions of the Agreement,
7 and to cover costs incurred by the department and the Office of the City Attorney for
8 negotiating the Agreement and ancillary documents.

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11 RECOMMENDED:

12 
13 AMY L. BROWN
14 Director of Property

15 RECOMMENDED:
16 DENNIS J. HERRERA, City Attorney

17 By: 
18 Anita L. Wood
19 Deputy City Attorney



City and County of San Francisco

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

Tails
Resolution

File Number: 100021

Date Passed: April 27, 2010

Resolution authorizing an agreement under which the San Francisco League of Urban Gardeners will transfer title to real property located on Dearborn Street (Lot Nos. 040 and 073, Block No. 3577), the use of which is restricted to a community garden; adopting findings that the conveyance is exempt from Environmental Review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, accept the deeds to property and take certain actions in furtherance of this Resolution.

April 27, 2010 Board of Supervisors - ADOPTED

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar and Mirkarimi
Excused: 1 - Maxwell

File No. 100021

I hereby certify that the foregoing Resolution was ADOPTED on 4/27/2010 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom

5/6/2010

Date Approved