

1 [Agreement to Purchase Property in Tuolumne County]

2
3 **Resolution approving and authorizing an agreement for the purchase of**
4 **approximately 5.61 acres of unimproved land near Moccasin in Tuolumne County,**
5 **for the protection of water quality for a purchase price of \$70,000; adopting findings**
6 **that the conveyance is exempt from Environmental Review and is consistent with the**
7 **City's General Plan and Eight Priority Policies of City Planning Code Section 101.1;**
8 **and authorizing the Director of Property to execute documents, make certain**
9 **modifications and take certain actions in furtherance of this resolution.**

10
11 WHEREAS, The Public Utilities Commission pursuant to Resolution No. 08-0168, a
12 copy of which is on file with the Clerk of the Board of Supervisors under File No. 081264,
13 approved the purchase of approximately 5.61 acres of unimproved land for \$70,000 for the
14 protection of water quality for both Mountain Tunnel and Priest Reservoir in Tuolumne
15 County; and,

16 WHEREAS, A copy of the Agreement of Purchase and Sale of Real Estate (the
17 "Purchase Agreement") between the City, as Buyer, and Seller, is on file with the Clerk of
18 the Board of Supervisors under File No. 081264; and,

19 WHEREAS, The Director of Property has determined, based on an independent MAI
20 appraisal, that the purchase price reflects the fair market value of the Property; and,

21 WHEREAS, The Director of Planning, by letter dated October 12, 2007, found that
22 the acquisition of the Property contemplated by the Purchase Agreement, is consistent with
23 the City's General Plan and with the Eight Priority Policies of City Planning Code Section
24 101.1 and is exempt from Environmental Review, which letter is on file with the Clerk of the

25

1 Board of Supervisors under File No. 081264, and which letter is incorporated herein by this
2 reference; now, therefore, be it

3 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
4 hereby finds that the Purchase Agreement is consistent with the General Plan and with the
5 Eight Priority Policies of City Planning Code Section 101.1 and is exempt from
6 Environmental Review for the same reasons as set forth in the letter of the Director of
7 Planning dated October 12, 2007, and hereby incorporates such findings by reference as
8 though fully set forth in this resolution; and, be it

9 FURTHER RESOLVED, That in accordance with the recommendations of the
10 Public Utilities Commission and the Director of Property, the Board of Supervisors hereby
11 approves the Purchase Agreement and the transaction contemplated thereby in
12 substantially the form of such agreement presented to this Board; and, be it

13 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
14 Property to enter into any additions, amendments or other modifications to the Purchase
15 Agreement (including, without limitation, the attached exhibits) that the Director of Property
16 determines are in the best interest of the City, that do not increase the purchase price for
17 the Property or otherwise materially increase the obligations or liabilities of the City, and are
18 necessary or advisable to complete the transaction contemplated in the Purchase
19 Agreement and effectuate the purpose and intent of this resolution, such determination to
20 be conclusively evidenced by the execution and delivery by the Director of Property of the
21 Purchase Agreement and any amendments thereto; and, be it

22 FURTHER RESOLVED, That the Director of Property is hereby authorized and
23 urged, in the name and on behalf of the City and County, to accept the deed to the Property
24 from the Seller upon the closing in accordance with the terms and conditions of the
25 Purchase Agreement, and to take any and all steps (including, but not limited to, the

1 execution and delivery of any and all certificates, agreements, notices, consents, escrow
2 instructions, closing documents and other instruments or documents) as the Director of
3 Property deems necessary or appropriate in order to consummate the conveyance of the
4 Property pursuant to the Purchase Agreement, or to otherwise effectuate the purpose and
5 intent of this resolution, such determination to be conclusively evidenced by the execution
6 and delivery by the Director of Property of any such documents.

7

8

9 RECOMMENDED:

\$75,000 Available

(includes escrow and title fees)

10

11

Amy L. Brown
Director of Property

12

Controller

13

Appropriation: Index Code 519641

14

15

16

17

18

19

20

21

22

23

24

25