

1 [Easement Exchange]

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3 **Resolution authorizing the exchange of easements in the Niles District of the City of**
4 **Fremont thereby allowing public street access to San Francisco Public Utilities**
5 **Commission Niles Reservoir Property, Alameda County Water District Property and**
6 **George Emmett Revocable Trust Property, and authorizing the execution of a**
7 **quitclaim deed vacating a portion of the interest of the San Francisco Public Utilities**
8 **Commission in an existing tunnel easement encumbering adjacent properties.**

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10 WHEREAS, The Alameda County Water District (ACWD) owns a parcel of real
11 property consisting of approximately 4.28 acres (the "ACWD Property"), George Emmett
12 Revocable Trust (Emmett) owns a parcel of real property consisting of approximately 1.22
13 acres (the "Emmett Property"), and San Francisco Public Utilities Commission (SFPUC)
14 owns a parcel of real property consisting of approximately 7.45 acres (the "SFPUC
15 Property), all of which are located in the Niles District in the City of Fremont; and

16 WHEREAS, The SFPUC also holds an easement for a tunnel which traverses a
17 portion of both the Emmett Property and the ACWD Property (the "Tunnel Easement"); and,

18 WHEREAS, The tunnel is no longer in use and the Tunnel Easement is surplus to
19 the needs of the SFPUC; and,

20 WHEREAS, The parties anticipate that the City of Fremont will require that a public
21 right-of-way be dedicated to the City of Fremont across the Emmett Property, the ACWD
22 Property, and SFPUC Property at the time SFPUC, ACWD or Emmett seeks City of
23 Fremont approval for development of their respective properties; and,

24 WHEREAS, ACWD, Emmett, and the SFPUC have agreed to enter into a Right of
25 Way Extension Agreement (the "Agreement"), in substantially the form of the Agreement on

1 file with the Clerk of the Board of Supervisors, which is hereby declared to be a part of this
2 resolution as if set forth fully herein, to provide (i) public street access and public right of
3 way to their respective properties, and (ii) for SFPUC to vacate a portion of the Tunnel
4 Easement located on the Emmett Property and ACWD Property.

5 WHEREAS, The City Planning Department has determined that the exchange of
6 easements conforms with the General Plan and with the Eight Priority Policies of City
7 Planning Code; and

8 WHEREAS, The Bureau of Environmental Regulation and Management has
9 determined, and completed a certification, that the project described by the proposed
10 Agreement is categorically exempt from the requirements of the California Environmental
11 Quality Act; and,

12 WHEREAS, The SFPUC approved the terms and conditions of the Agreement; now,
13 therefore, be it

14 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
15 in accordance with the recommendations of the SFPUC and the Director of Property
16 hereby approves the terms and conditions of the Agreement; and, be it

17 FURTHER RESOLVED, That the Board of Supervisors hereby authorizes the
18 General Manager of the San Francisco Public Utilities Commission and the Director of
19 Property to execute the Agreement and any other documents deemed necessary to
20 consummate the transaction contemplated therein, and to enter into modifications to the
21 Agreement (including, without limitation the attachment or modification of exhibits) that are
22 in the best interest of the City, do not materially change the terms of the Agreement, and
23 are necessary and advisable to effectuate the intent of this resolution; and, be it

24 FURTHER RESOLVED, That all necessary actions authorized by this resolution and
25 hereafter taken by any City and County of San Francisco official in connection with such

1 Agreement are hereby ratified, approved and confirmed by the San Francisco Board of
2 Supervisors.

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5 RECOMMENDED:

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General Manager
Public Utilities Commission

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10 Pursuant to Resolution No. 01-0064

11 Adopted March 13, 2001

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Director of Property

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