

File No. 110429

Committee Item No. 10

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee

Date: July 27, 2011

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
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| <input type="checkbox"/> | <input type="checkbox"/> | Ethics Form 126 |
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OTHER

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Completed by: Victor Young

Date: July 22, 2011

Completed by: Victor Young

Date: _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

1 [Purchase Agreement - Two Permanent Access Road Easements and Two Temporary
2 Construction Easements - San Joaquin County - \$83,900

3
4 **Resolution approving and authorizing an agreement for the purchase of a two**
5 **permanent access road easements and two temporary construction easements over,**
6 **on and in portions of Assessor's Parcel Numbers 253-270-17, 19, 21, 24 and 25**
7 **located in San Joaquin County, required for the San Joaquin Pipeline System Project**
8 **No. CUW37301 (the Project) for a purchase price of \$83,900; adopting findings under**
9 **the California Environmental Quality Act (CEQA); adopting findings that the**
10 **conveyance is consistent with the City's General Plan and Eight Priority Policies of**
11 **City Planning Code Section 101.1; and authorizing the Director of Property to**
12 **execute documents, make certain modifications and take certain actions in**
13 **furtherance of this resolution.**

14
15 WHEREAS, The San Francisco Public Utilities Commission (SFPUC) has developed
16 a project known as the San Joaquin Pipeline System Project, (also commonly referred to as
17 the SJPL System Project, Project No.CUW37301, and herein as the "Project"), a water
18 infrastructure project included as part of the Water System Improvement Program (WSIP).
19 The Project is located in Tuolumne, Stanislaus, and San Joaquin Counties, beginning at
20 the Oakdale Portal in Tuolumne County, and ending at the Tesla Portal in San Joaquin
21 County. The Project includes, among other related features, the construction of two new
22 facility crossovers (Emery and Pelican), two new throttling stations (MP 50.57 Northeast of
23 Willms Road and MP 55.32), Oakdale Portal improvements including a new valve house,
24 upgrading the discharge valves at Cashman Creek and a new discharge valve at the
25 California Aqueduct, construction of a fourth pipeline segment (Eastern Segment

1 approximately 6.5 miles from Oakdale Portal (MP 49.84) to near Fogarty Road (MP 56.50)
2 and a tie-in vault), construction of a fourth pipeline segment (Western Segment
3 approximately 11 miles from west of the San Joaquin River to Tesla Portal), a new truss
4 bridge aerial structure to carry SJPL No. 4 over the California Aqueduct, and a discharge
5 structure at the Pelican Crossover involving intermittent drainage to the San Joaquin River,
6 and discharge of water to U.S. Fish and Wildlife Service San Joaquin River National
7 Wildlife Refuge, to irrigate a managed wetland area; and

8 WHEREAS, the objectives of the Project are to improve delivery reliability and
9 provide operational flexibility during maintenance activities or unplanned outages, as well
10 as to replenish local reservoirs after such events; and

11 WHEREAS, The Project is an improvement facility project approved by the SFPUC as
12 part of the Water System Improvement Program ("WSIP"); and

13 WHEREAS, A Final Program Environmental Impact Report ("PEIR") was prepared for
14 the WSIP and certified by the Planning Commission on October 30, 2008 by Motion No.
15 17734; and

16 WHEREAS, Thereafter the SFPUC approved the WSIP and adopted findings and a
17 Mitigation Monitoring and Reporting Program as required by the California Environmental
18 Quality Act ("CEQA") on October 30, 2008 by Resolution No. 08-0200; and

19 WHEREAS, an environmental impact report ("EIR") as required by CEQA was
20 prepared for the Project in Planning Department File No. 2007.01 18E; and

21 WHEREAS, The Final EIR ("FEIR") for the Project was certified by the San
22 Francisco Planning Commission on July 9, 2009 by Motion No. 17917; and

23 WHEREAS, The FEIR prepared for the Project is tiered from the PEIR, as
24 authorized by and in accordance with CEQA and the CEQA Guidelines; and
25

1 WHEREAS, On July 14, 2009, the San Francisco Public Utilities Commission
2 (SFPUC), by Resolution No. 09-0119, a copy of which is included in Board of Supervisors
3 File No. 090980 and which is incorporated herein by this reference: (1) approved the
4 Project; (2) adopted findings (CEQA Findings), including the statement of overriding
5 considerations, and a Mitigation Monitoring and Reporting Program ("MMRP") required by
6 CEQA; and (3) authorized the General Manager to seek the Board of Supervisors' approval
7 of and, if approved, to execute certain necessary agreements and deeds, which the
8 SFPUC staff will pursue and submit to the Board of Supervisors at a later date; and

9 WHEREAS, The Project files, including the FEIR, PEIR and SFPUC Resolution No.
10 09-0119 have been made available for review by the Board and the public, and those files
11 are considered part of the record before this Board; and

12 WHEREAS, The Board of Supervisors has reviewed and considered the information
13 and findings contained in the FEIR, PEIR and SFPUC Resolution No. 09-0119, and all
14 written and oral information provided by the Planning Department, the public, relevant
15 public agencies, SFPUC and other experts and the administrative files for the Project; and

16 WHEREAS, This Board, by Resolution No. 369-09 adopted on September 22, 2009,
17 a copy of which is on file with the Clerk of the Board of Supervisors in File No. 090980 and
18 which is incorporated herein by this reference and considered part of the record before this
19 Board, adopted findings under CEQA related to the Project, including the statement of
20 overriding considerations and the MMRP; and

21 WHEREAS, A copy of the proposed Agreement for Purchase and Sale of Real
22 Estate (the "Purchase Agreement") between the City, as buyer, and Tracy Golf and Country
23 Club, Inc., as Seller, is on file with the Clerk of the Board of Supervisors under File No.
24 110429, which is incorporated herein by this reference and is considered part of the record
25 before this Board; and,

1 WHEREAS, The Director of Property has determined, based on an independent
2 appraisal, that the purchase price reflects the fair market value of the permanent access
3 road easements and temporary construction easements; and,

4 WHEREAS, SFPUC will hold \$25,000 in a reserve fund in accordance with the
5 Purchase Agreement, as security for the removal of the Transite Pipe entirely from City
6 property; and,

7 WHEREAS, The Director of Planning, by letter dated June 29, 2009, as amended by
8 letter dated May 24, 2011, found that the purchase of all the necessary property rights for the
9 Project, is consistent with the City's General Plan and with the Eight Priority Policies of City
10 Planning Code Section 101.1, which letters are on file with the Clerk of the Board of
11 Supervisors under File No. 110429, and which letters are incorporated herein by this
12 reference; now, therefore, be it

13 RESOLVED, The Board has reviewed and considered the FEIR and record as a whole,
14 finds that the FEIR is adequate for its use as the decision making body for the action taken
15 herein and hereby incorporates by reference the CEQA findings contained in Resolution No.
16 369-09; and be it

17 FURTHER RESOLVED, The Board finds that the Project mitigation measures adopted
18 by the SFPUC will be implemented as reflected in and in accordance with the MMRP; and be
19 it

20 FURTHER RESOLVED, The Board finds that since the FEIR was finalized, there
21 have been no substantial project changes and no substantial changes in the Project
22 circumstances that would require major revisions to the FEIR due to the involvement of
23 new significant environmental effects or an increase in the severity of previously identified
24 significant impacts, and there is no new information of substantial importance that would
25 change the conclusions set forth in the FEIR; and, be it

1 FURTHER RESOLVED, That the Board of Supervisors of the City and County of
2 San Francisco hereby finds that the Purchase Agreement is consistent with the General
3 Plan and with the Eight Priority Policies of city planning Code Section 101.1 for the same
4 reasons as set forth in the letter of the Director of Planning dated June 29, 2009, as
5 amended by letter dated May 24, 2011, and hereby incorporates such findings by
6 references as though fully set forth in this resolution; and, be it

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

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

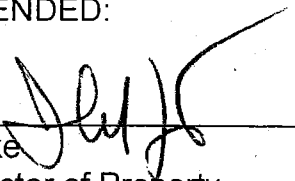
20 FURTHER RESOLVED, That the Director of Property is hereby authorized and
21 urged, in the name and on behalf of the City and County, to accept the deeds to the
22 easements from the Seller upon the closing in accordance with the terms and conditions of
23 the Purchase Agreement, and to take any and all steps (including, but not limited to, the
24 execution and delivery of any and all certificates, agreements, notices, consents, escrow
25 instructions, closing documents and other instruments or documents) as the Director of

1 Property deems necessary or appropriate in order to consummate the conveyance of the
2 easements pursuant to the Purchase Agreement, or to otherwise effectuate the purpose
3 and intent of this resolution, such determination to be conclusively evidenced by the
4 execution and delivery by the Director of Property of any such documents; and, be it

5 FURTHER RESOLVED, All actions heretofore taken by the Director of Property with
6 respect to the matters addressed in this Resolution are hereby approved, confirmed and
7 ratified.

8
9 RECOMMENDED:

Funds Available:

10
11 
12 John Updike
13 Acting Director of Property

14
15 
16 Controller

17
18 Appropriation: Index Code 737312
19
20
21
22
23
24
25



John Updike
Acting Director of Real Estate

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2011 JUN -2 AM 9:38

BY

RJC



May 31, 2011

File 110429

PUC
Easement Acquisition
San Joaquin Pipeline System Project
San Joaquin County

Through Amy Brown, Acting City Administrator

Honorable Board of Supervisors
City & County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Dear Board Members:

Enclosed for your consideration is a Resolution authorizing an agreement to purchase two permanent access road easements and two temporary construction easements over and on portions of Assessor's Parcel Numbers 253-270-17, 19, 21, 24 and 25 in the City of Tracy, San Joaquin County required for the San Joaquin Pipeline System Project.

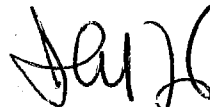
The easements are necessary to upgrade the San Joaquin Pipeline System Project to improve delivery reliability and provide operational flexibility during maintenance activities or unplanned outages. The purchase price for the easements is \$83,900 pursuant to an independent appraisal.

In addition to the Resolution, enclosed are:

1. Agreement for Purchase and Sale of Real Estate.
2. Public Utilities Commission Resolution No. 10-0119 approving the acquisition of these easements and all other property interests for the project.
3. City Planning's letter dated June 29, 2009, as amended by letter dated May 24, 2011, stating that the proposed acquisitions for this project are in conformance with the general plan.
4. Form SFEC - 126: Notification of Contract Approval

Should you have any questions or need additional information, do not hesitate to call Marta Bayol of our office at 554-9865.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John Updike", with a long, sweeping flourish extending to the right.

John Updike
Acting Director of Real Estate

cc: Amy Brown, Acting City Administrator
w/ Resolution;
Hazel Brandt, Deputy City Attorney
Brian Morelli, PUC
Cindy Lee, PUC
Nathan Purkiss, PUC

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 09-0119

WHEREAS, San Francisco Public Utilities Commission ("SFPUC") staff have developed a project description for Project No. CUW37301 San Joaquin Pipeline System Project ("SJPL" or "Project") under the Water System Improvement Program ("WSIP") for the improvements to the regional water supply system, and

WHEREAS, The objectives of the Project are to provide for a SJPL System flow of 313 million gallons per day (mgd) with all pipelines in service, and an average flow of 271 mgd when any one segment of the system is taken out of service for maintenance or repairs, or during an emergency, and to meet current customer demands as well as replenish local reservoirs to allow for maintenance activities and for the capability of removing any second pipeline segment from service, after any other segment has already been removed from service for maintenance, without discontinuing deliveries; and

WHEREAS, On July 9, 2009, the Planning Commission reviewed and considered the Final Environmental Impact Report ("Final EIR") in Planning Department File No. 2007.0118E, consisting of the Draft EIR, the Comments and Responses document (including a Supplement to the Comments and Responses Document) and an Errata Sheet dated July 1, 2009, and found that the contents of said report and the procedures through which the Final EIR was prepared, publicized, and reviewed complied with the provisions of the California Environmental Quality Act ("CEQA"), the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code and found further that the Final EIR reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate, and objective, and that the Comments and Responses document contains no significant revisions to the Draft EIR, and certified the completion of said Final EIR in compliance with CEQA and the CEQA Guidelines in its Motion No. 17198; and

WHEREAS, This Commission has reviewed and considered the information contained in the Final EIR, all written and oral information provided by the Planning Department, the public, relevant public agencies, SFPUC, and other experts and the administrative files for the Project and the EIR; and

WHEREAS, The Project and Final EIR files have been made available for review by the SFPUC and the public, in File No. 2007.0118E, at 1650 Mission Street, Fourth Floor, San Francisco, California, and those files are part of the record before this Commission; and

WHEREAS, SFPUC staff prepared proposed findings, as required by CEQA, ("CEQA Findings") and a proposed Mitigation, Monitoring, and Reporting Program ("MMRP"), which material was made available to the public and this Commission for the Commission's review, consideration and action; and

WHEREAS, The Project is a capital improvement project approved by this Commission as part of the Water System Improvement Program (WSIP); and

WHEREAS, A Final Program EIR (PEIR) was prepared for the WSIP and certified by the Planning Commission on October 30, 2008 by Motion No. 17734; and

WHEREAS, Thereafter, this Commission approved the WSIP and adopted findings and a MMRP as required by CEQA on October 30, 2008 by Resolution No. 08-200; and

WHEREAS, The Final EIR prepared for the Project is tiered from the PEIR, as authorized by and in accordance with CEQA and the CEQA Guidelines; and

WHEREAS, The PEIR has been made available for review by the SFPUC and the public, and is part of the record before this Commission; and

WHEREAS, The SFPUC staff will comply with Government Code Section 7260 *et seq.* statutory procedures for possible acquisition of interests in real property (temporary or permanent) in: (1) Assessor's Parcel #010-015-062 owned by Ardis Family Partnership, (2) Assessor's Parcel #010-041-026 owned by Emilio Moran, (3) Assessor's Parcel #016-002-014 owned by Frank M. Bettencourt, (4) Assessor's Parcel #016-009-008 owned by Henry Bettencourt, (5) Assessor's Parcel #255-070-08 owned by Clifford W. & Onalee J. Koster, (6) Assessor's Parcel #253-280-03 owned by Triangle Properties, Inc., (7) Assessor's Parcel #011-013-006 owned by Willms Ranch, LLC, (8) Assessor's Parcel #011-013-011 owned by Willms Ranch, LLC, (9) Assessor's Parcel #011-001-028 owned by Richard B. and Alida C. Ardis, (10) Assessor's Parcel #016-002-017 owned by James W. Lopes, (11) Assessor's Parcel #016-002-018 owned by James W. Lopes, (12) Assessor's Parcel # 016-002-044 owned by James W. Lopes, (13) Assessor's Parcel #253-170-05 owned by Garry & Christine DeWolfe, (14) Assessor's Parcel #253-17-06-05 owned by Garry & Christine DeWolfe, (15) Assessor's Parcel #016-002-048 owned by Angela Bogetti-Dumlao, (16) Assessor's Parcel #016-002-012 owned by Gary Oosterkamp, (17) Assessor's Parcel #016-022-014 owned by Frank M. Bettencourt, and (18) Assessor's Parcel #253-270-24 owned by Tracy Golf and Country Club. The total combined purchase price of all such possible acquisitions is estimated to not exceed \$700,000; and

WHEREAS, The Project work is primarily located within the City-owned SFPUC right of way, however, several private or public property owners hold easement interests in portions of the right of way, including El Solyo Water District, Shell Oil, Standard/Chevron Oil, and California Department of Water Resources (California Aqueduct) and it may be necessary for the Project for the General Manager to negotiate and enter into agreements with respect to those easement interests; and

WHEREAS, SFPUC has issued leases, permits, or licenses to certain parties, to use for various purposes, portions of City-owned property along the SFPUC right of way where the Project work will occur, and in some instances, there is apparent use of City-owned property by other parties for which there is no evidence of SFPUC authorization, and it may be necessary for the Project for the General Manager to (a) exercise rights under any such deed, lease, permit, or license or (b) negotiate and execute new or amended lease, permit, license, or encroachment removal agreements (each, a "Use Instrument") with owners or occupiers of property interests on, or adjacent to, City property, including West Stanislaus Irrigation District, Blewett Mutual Water District, PAR Country Estates, Chevron/Getty/Tide Water Oil, Standard/Chevron Oil, and Tracy Golf and Country Club, or other property owners or occupiers of land on, or adjacent to, the SFPUC right of way; and

WHEREAS, The Project will require the SFPUC to obtain various necessary permits and encroachment permits from San Joaquin and Stanislaus Counties, which permits shall be consistent with SFPUC existing fee or easement interests, where applicable, and will include terms and conditions including, but not limited to, maintenance, repair, and relocation of improvements and, possibly, indemnity obligations; and

WHEREAS, The SFPUC intends to obtain a permit or enter into an agreement with the U.S. Fish and Wildlife Service for intermittent discharge (e.g., maintenance, emergency) of water from the Pelican Crossover facility to San Joaquin National Wildlife Refuge facilities; and

WHEREAS, The Project will require the SFPUC to augment or amend its existing easement rights, with respect to the proposed fourth pipeline crossing of Union Pacific Railroad (UPRR) land at UPRR milepost 93.61 in San Joaquin County, and, pending such amendment, enter into a pipeline crossing agreement with respect to such location with UPRR; and

WHEREAS, The Project will require the SFPUC to obtain a permanent easement from Stanislaus County across River Road in Stanislaus County; and

WHEREAS, Implementation of the Project mitigation measures will involve consultation with, or required approvals by, state and federal regulatory agencies, including but not limited to the following: U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service, National Marine Fisheries Service, California Department of Transportation, State Historic Preservation Officer, California Department of Fish and Game, and Central Valley Regional Water Quality Control Board; now, therefore, be it

RESOLVED, This Commission has reviewed and considered the Final EIR, finds that the Final EIR is adequate for its use as the decision-making body for the actions taken herein, and hereby adopts the CEQA Findings, including the Statement of Overriding Considerations, attached hereto as Attachment A and incorporated herein as part of this Resolution by this reference thereto, and adopts the MMRP attached to this Resolution as Attachment B and incorporated herein as part of this Resolution by this reference thereto, and authorizes a request to the Board of Supervisors to adopt the same CEQA Findings, Statement of Overriding Considerations and MMRP; and be it

FURTHER RESOLVED, That this Commission hereby approves Project No. CUW37301, San Joaquin Pipeline System Project, and authorizes staff to proceed with actions necessary to implement the Project; and be it

FURTHER RESOLVED, That this Commission hereby authorizes the SFPUC General Manager to undertake the process, in compliance with Government Code Section 7260 et seq., with the San Francisco Charter and all applicable laws, for possible acquisition of interests in real property (temporary or permanent) in: 1) Assessor's Parcel #010-015-062 owned by Ardis Family Partnership, (2) Assessor's Parcel #010-041-026 owned by Emilio Moran, (3) Assessor's Parcel #016-002-014 owned by Frank M. Bettencourt, (4) Assessor's Parcel #016-009-008 owned by Henry Bettencourt, (5) Assessor's Parcel #255-070-08 owned by Clifford W. & Onalee J. Koster, (6) Assessor's Parcel #253-280-03 owned by Triangle Properties, Inc. (7) Assessor's Parcel #011-013-006 owned by Willms Ranch, LLC, (8) Assessor's Parcel #011-013-011 owned by Willms Ranch, LLC, (9) Assessor's Parcel #011-001-028 owned by Richard B. and Alida C. Ardis, (10) Assessor's Parcel #016-002-017 owned by James W. Lopes, (11) Assessor's Parcel #016-002-018 owned by James W. Lopes, (12) Assessor's Parcel #016-002-044 owned by James W. Lopes, (13) Assessor's Parcel #253-170-05 owned by Garry & Christine DeWolfe, (14) Assessor's Parcel #253-17-06-05 owned by Garry & Christine DeWolfe, (15) Assessor's Parcel #016-002-048 owned by Angela Bogetti-Dumlao, (16) Assessor's Parcel #016-002-012 owned by Gary Oosterkamp, (17) Assessor's Parcel #016-022-014 owned by Frank M. Bettencourt, and (18) Assessor's Parcel #253-270-24 owned by Tracy Golf and Country Club, and to work with the Director of Real Estate to seek Board of Supervisors' approval of, and if approved, to accept and execute final agreements, and any other related documents necessary to consummate the transactions contemplated therein, in such form approved by the City Attorney; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager to negotiate and subject to any applicable approvals, enter into agreements, if necessary for the Project, with parties holding existing easement interests on City property, including El Solyo Water District, Shell Oil, Standard/Chevron Oil, and California Department of Water Resources

(California Aqueduct) in a form that the General Manager determines is in the public interest and is acceptable, necessary, and advisable to effectuate the purposes and intent of this Resolution, and in compliance with the Charter and all applicable laws, and in such form approved by the City Attorney; and be it.

FURTHER RESOLVED, That this Commission authorizes the General Manager to exercise any right as necessary under any Use Instrument and negotiate and execute new or amended Use Instruments, if necessary for the Project, with owners or occupiers of property interests on, or adjacent to, the SFPUC right of way, including West Stanislaus Irrigation District, Blewett Mutual Water District, PAR Country Estates, Chevron/Getty/Tide Water Oil, Standard/Chevron Oil, and Tracy Golf and Country Club, in a form that the General Manager determines is in the public interest and is acceptable, necessary, and advisable to effectuate the purposes and intent of this Resolution, and in compliance with the Charter and all applicable laws, and in such form approved by the City Attorney; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to apply for and execute various necessary permits and encroachment permits with the San Joaquin and Stanislaus Counties, which permits shall be consistent with SFPUC's existing fee or easement interests, where applicable. To the extent that the terms and conditions of the permits will require SFPUC to indemnify the respective jurisdictions, those indemnity obligations are subject to review and approval by the San Francisco Risk Manager. The General Manager is authorized to agree to such terms and conditions, including but not limited to those relating to maintenance, repair, and relocation of improvements, that are in the public interest, and, in the judgment of the General Manager, in consultation with the City Attorney, are reasonable and appropriate for the scope and duration of the requested use as necessary for the Project; and be it

FURTHER RESOLVED, That this Commission hereby authorizes the SFPUC General Manager to negotiate and, if necessary, to seek Board of Supervisors' approval of, and, if approved, accept and execute a permit or agreement with the U.S. Fish and Wildlife Service with respect to intermittent discharge of water into San Joaquin National Wildlife Refuge facilities, in such form approved by the City Attorney. To the extent that the terms and conditions will require SFPUC to indemnify other parties, those indemnity obligations are subject to review and approval by the San Francisco Risk Manager. The General Manager is authorized to agree to such terms and conditions that are in the public interest, and, in the judgment of the General Manager, in consultation with the City Attorney, are reasonable and appropriate for the scope and duration of the requested use as necessary for the Project; and be it

FURTHER RESOLVED, That this Commission hereby authorizes the SFPUC General Manager to negotiate and seek Board of Supervisors' approval of, and if approved, to accept and execute an amended easement deed and, pending such acceptance and execution, a pipeline crossing agreement and any other related documents necessary to consummate the transactions contemplated therein, with UPRR, in such form approved by the City Attorney, with respect to the proposed pipeline crossing at UPRR milepost 93.61 in San Joaquin County; and be it

FURTHER RESOLVED, That this Commission hereby authorizes the SFPUC General Manager to undertake the process, in compliance with Government Code Section 7260 *et seq.*, the San Francisco Charter, and all applicable laws, to seek Board of Supervisors' approval of, and if approved, to accept and execute an easement deed and any other related documents necessary to consummate the transactions contemplated therein, in such form approved by the City Attorney, for acquisition of a permanent easement from Stanislaus County across River Road in Stanislaus County; and be it

Contract: Project CUW37301 San Joaquin Pipeline System Project
Commission Meeting Date: July 14, 2009

FURTHER RESOLVED, The General Manager will confer with the Commission during the negotiation process on real estate agreements as necessary, and report to the Commission on all agreements submitted to the Board of Supervisors for approval; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager to consult with, or apply for, and, if necessary, seek Board of Supervisors' approval, and if approved, to accept and execute permits or required approvals by state and federal regulatory agencies, including but not limited to: U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service, National Marine Fisheries Service, California Department of Transportation, State Historic Preservation Officer, California Department of Fish and Game, and Central Valley Regional Water Quality Control Board; including terms and conditions that are within the lawful authority of the agency to impose, in the public interest, and, in the judgment of the General Manager, in consultation with the City Attorney, are reasonable and appropriate for the scope and duration of the requested permit or approval, as necessary for the Project; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager to work with the Director of Real Estate to seek Board approval, and if approved, to accept and execute the real property agreements authorized herein; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager to enter into any subsequent additions, amendments, or other modifications to the permits, licenses, encroachment removal agreements, pipeline crossing agreements, leases, easements, and other real property agreements, or amendments thereto, as described herein, that the General Manager, in consultation with the Commercial Land Manager and the City Attorney, determines are in the best interests of the SFPUC and the City, do not materially decrease the benefits to the SFPUC or the City, and do not materially increase the obligations or liabilities of the SFPUC or the City, such determination to be conclusively evidenced by the execution and delivery of any such additions, amendments, or other modifications.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of July 14, 2009

Michael Horsh
Secretary, Public Utilities Commission





SAN FRANCISCO
PLANNING DEPARTMENT RECEIVED SUPERVISORS
SAN FRANCISCO

2011 JUN -2 AM 9:39

General Plan Referral *RB*

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: May 24, 2011
Case No. Case No. 2009.0202R
PUC San Joaquin Pipeline System Upgrade
Easement Acquisition -
ADDENDUM TO ORIGINAL GENERAL PLAN REFERRAL
Acquisition of additional temporary and permanent easements

[Note: underlined text indicates changed or added text from the original General Plan Referral dated June 29, 2009.]

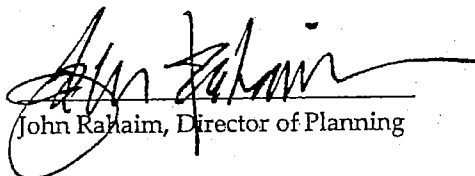
Block/Lot No.: Acquisition of ~~sixteen~~ twenty temporary construction and permanent easements, including Assessor's Parcel Nos: [San Joaquin APN 253-270-17, 19, 21, 24 and 25]

Project Sponsor: John Updike
Acting Director
City and County of San Francisco Real Estate Division
25 Van Ness Avenue, Suite 400
San Francisco, CA 94102

Applicant: Same as Above

Staff Contact: Stephen Shotland - (415) 558-76308
Stephen.shotland@sfgov.org

Recommendation: Finding the project, on balance, in conformity with the General Plan.

Recommended By: 
John Rahaim, Director of Planning

PROJECT DESCRIPTION

The original project, reviewed under Case 2009.0202R, called for PUC acquisition temporary and permanent easements on up to sixteen (16) parcels located in Stanislaus and San Joaquin Counties related to the PUC San Joaquin Pipeline Project. On April 29, 2011, the Department of Real Estate informed the

GENERAL PLAN REFERRAL -
SF PUC SAN JOAQUIN PIPELINE PROJECT - ACQUISITION
OF ADDITIONAL TEMPORARY AND PERMANENT EASEMENTS

CASE NO. 2009.0202R
ADDENDUM

Planning Department that the project requires the acquisition of an additional four easements (two temporary construction easements and two permanent easements) from the Tracy Golf and Country Club (San Joaquin County - APN 253-270-17, 19, 21, 24 and 25) as part of the upgrade of the San Joaquin Pipeline System (SJPL). The easements are shown on accompanying Figures 1-2.

Project Description

The primary goal of the project is to improve the reliability of water delivery, quality and supply and drought management and seismic reliability per the SFPUC's Water System Improvement Program. The San Joaquin Pipeline Project (SJPL) will consist of constructing two new crossover facilities, installation of pipelines, and the construction of a new vault. The project construction is anticipated to impact several private and municipal properties. Temporary Construction Easements and Staging Areas and Temporary and Permanent access roads will be needed. Since the Planning Department reviewed the project for General Plan Conformity determination on June 29, 2009, the PUC has determined that two additional temporary construction easements and two permanent access easements from the Tracy Golf and Country Club in San Joaquin County are required.

ENVIRONMENTAL REVIEW

In Case 2009.0202R, the Department determined that acquisition of property easements was Categorically Exempt from Environmental Review pursuant to Section 15060(c)(2) of CEQA Guidelines. On 5/9/2011, the Department determined that the project including acquisition of the additional temporary and permanent easements was covered in the San Joaquin Pipeline System EIR (Case No. 2007.0118E).

GENERAL PLAN COMPLIANCE AND BASIS FOR RECOMMENDATION

The Project is consistent with the Eight Priority Policies of Planning Code Section 101.1 as described in the body of this letter and is, on balance, in-conformity with the following Objectives and Policies of the General Plan:

COMMUNITY SAFETY ELEMENT

POLICY 2.10

Identify and replace vulnerable and critical lifelines in high-risk areas.

The Water Department and the Department of Public Works have ongoing programs to replace vulnerable water mains and sewers and to improve performance of the systems during earthquakes by including system segmentation, safety shut-off systems and redundant back-up systems or other methods of reducing damage and providing alternative sources of service.

The Project is a necessary part of the San Joaquin Pipeline Project.

ENVIRONMENTAL PROTECTION ELEMENT

OBJECTIVE 5

ASSURE A PERMANENT AND ADEQUATE SUPPLY OF FRESH WATER TO MEET THE PRESENT AND FUTURE NEEDS OF SAN FRANCISCO.

POLICY 5.1

Maintain an adequate water distribution system within San Francisco.

POLICY 5.3

Ensure water purity.

OBJECTIVE 6

CONSERVE AND PROTECT THE FRESH WATER RESOURCE.

The acquisition of the twenty construction and permanent easements will enable upgrading the San Joaquin Pipeline Facility. It will help insure that that fresh water delivery can be better assured for residents, workers, and visitors of San Francisco as well as peninsula customers, thereby helping to assure water delivery in the event of an earthquake

PROPOSITION M FINDINGS – PLANNING CODE SECTION 101.1

Planning Code Section 101.1 establishes Eight Priority Policies and requires review of discretionary approvals and permits for consistency with said policies. The Project is found to be consistent with the Eight Priority Policies as set forth in Planning Code Section 101.1 for the following reasons:

Eight Priority Policies Findings

The subject project is found to be consistent with the Eight Priority Policies of Planning Code Section 101.1 in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

The Project would have no adverse effect on neighborhood serving retail uses or opportunities for employment in or ownership of such businesses.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhood.

The Project would have no adverse effect on the City's housing stock or on neighborhood character. The existing housing and neighborhood character will be not be negatively affected

GENERAL PLAN REFERRAL -
SF PUC SAN JOAQUIN PIPELINE PROJECT - ACQUISITION
OF ADDITIONAL TEMPORARY AND PERMANENT EASEMENTS

CASE NO. 2009.0202R
ADDENDUM

3. That the City's supply of affordable housing be preserved and enhanced.

The Project would have no adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The Project would not result in commuter traffic impeding MUNI's transit service, overburdening the streets or altering current neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for residential employment and ownership in these sectors be enhanced.

The Project would not affect the existing economic base in this area.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project would not adversely affect achieving the greatest possible preparedness against injury and loss of life in an earthquake. The project will further the City's goal of being well prepared for a natural disaster by seismically upgrading the water facility.

7. That landmarks and historic buildings be preserved.

The project does not involve any historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development.

The Project would have no adverse effect on parks and open space or their access to sunlight and vista.

RECOMMENDATION:

Finding the Project, on balance, in-conformity with the General Plan .

253-290-24

QUERY RESULTS DETAILS LEGEND PRINT HELP

(Address) (PID) (POS) (POP)

Parcel Details

Parcel ID	20379424
Shape Number	
Shape Division	
Shape Street	
Shape Type	
Shape City	
Parcel SqrFt	4413241.46
Parcel Area	101.13
WA Contract	
WA Assoc	
WA Renewal	
WA Category	

Districts

City	Tracy
PlanningArea	TRACY
CPCommunityName	CHUSD1041
CPCommunityType	RURAL-UN
GenPlan	OS/D
Zoning	AG-10
SuperiorDist	S
SuperiorInfluence	
HealthAgencyCouncil	
EnterpriseZone	
HighSchoolDist	TRACY JOINT UNIFIED
ElementaryDist	JEFFERSON
FireDistrict	TRACY RURAL
FireService	TRACY RURAL
Jurisdiction	15-E-T WEST
FireHazardArea	MODATA
SubdivisionExpansion	EDPA
EA/FCA	
AirportLID	
ServicesSewer	NONE
ServicesWater	NONE
ServicesStorm	NONE
IrrigationDist	NONE
ReclamationDist	
PhoneService	AT&T
AgriculturalPreserve	R-41-S
TractIDgrp	SS-00 03
TractIDzone	S13
Shoreline	0
ShorelineID	042
ZipCode	95337
PostOffice	TRACY
HealthAgencyCouncil	
HealthAgencyID	
HealthAgency	ES48
GIS_APN	2532924

CITY

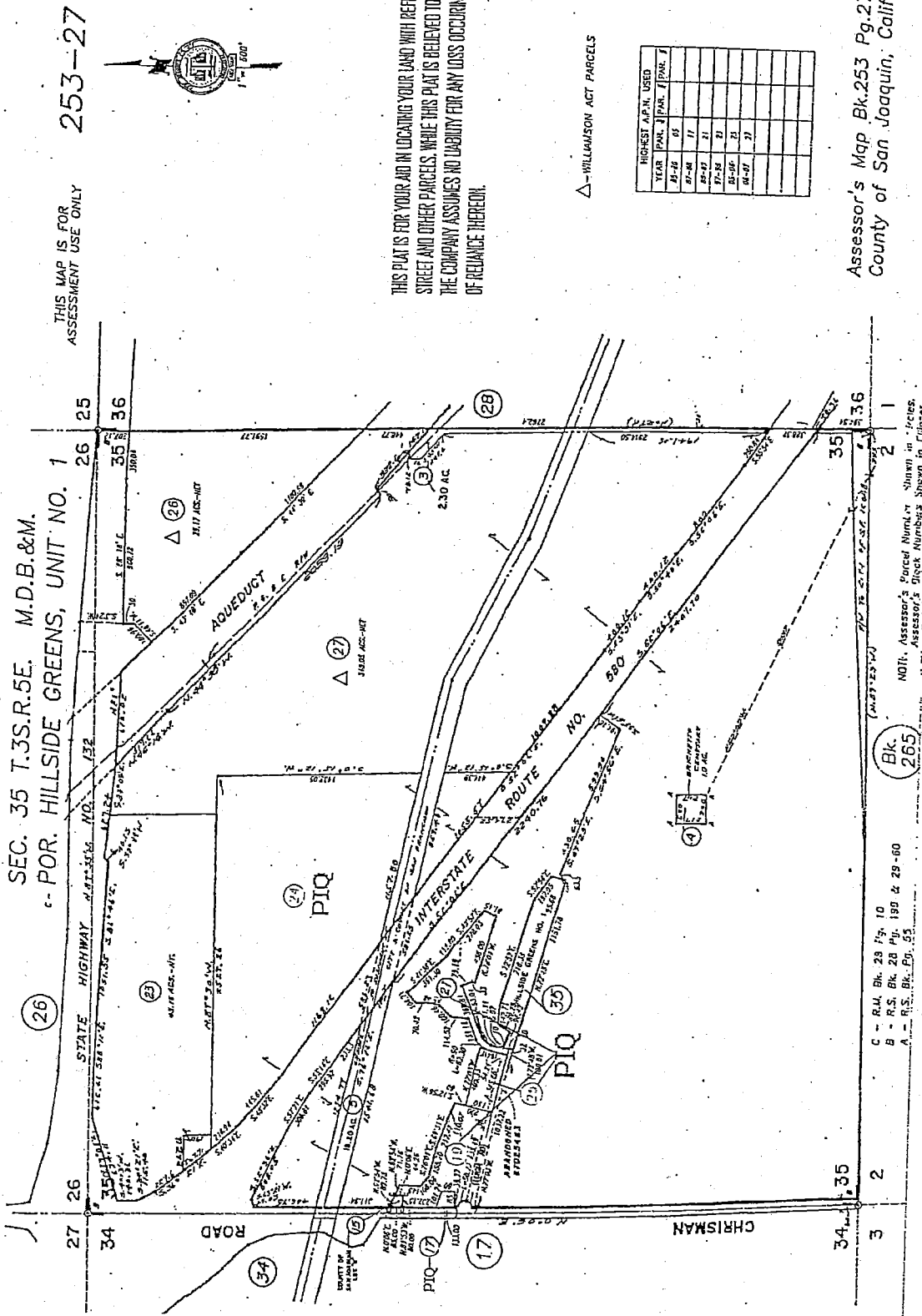
PlanningArea	TRACY
CPCommunityName	CHUSD1041
CPCommunityType	RURAL-UN
GenPlan	OS/D
Zoning	AG-10
SuperiorDist	S
SuperiorInfluence	
HealthAgencyCouncil	
EnterpriseZone	
HighSchoolDist	TRACY JOINT UNIFIED
ElementaryDist	JEFFERSON
FireDistrict	TRACY RURAL
FireService	TRACY RURAL
Jurisdiction	15-E-T WEST
FireHazardArea	MODATA
SubdivisionExpansion	EDPA
EA/FCA	
AirportLID	
ServicesSewer	NONE
ServicesWater	NONE
ServicesStorm	NONE
IrrigationDist	NONE
ReclamationDist	
PhoneService	AT&T
AgriculturalPreserve	R-41-S
TractIDgrp	SS-00 03
TractIDzone	S13
Shoreline	0
ShorelineID	042
ZipCode	95337
PostOffice	TRACY
HealthAgencyCouncil	
HealthAgencyID	
HealthAgency	ES48
GIS_APN	2532924

CITY

PlanningArea	TRACY
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TractIDzone	S13
Shoreline	0
ShorelineID	042
ZipCode	95337
PostOffice	TRACY
HealthAgencyCouncil	
HealthAgencyID	
HealthAgency	ES48
GIS_APN	2532924

MAP BACKGROUND... ZOOM TO... OTHER SITES... X: 1299141.26 Lon: -121° 34' 24.25" Y: 11654501.07 Lat: 37° 36' 41.04" 1: 16541

City Limits (shaded)



C - R.L. Bk. 28 Pg. 10
 B - R.S. Bk. 28 Pg. 189 & 29-60
 A - R.S. Bk. Pg. 53

NOT: Assessor's Parcel Number Shown in Acres.
 Assessor's Parcel Number Shown in Acres.

(Bk. 265)



John Urdike
Acting Director of Real Estate

RECEIVED
MAY 18 2011
REAL ESTATE DIV.



April 29, 2011

PUC
San Joaquin Pipeline Project
Right of Way Acquisition

John Rahaim
Director of Planning
Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-2414

Attention: Maria Oropeza-Mander

Re: General Plan Referral Case No. 2009-0202R

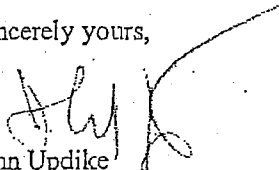
Dear Mr. Rahaim:

In General Plan Referral Case No. 2009-0202R dated June 29, 2009, the Real Estate Division was notified by the Planning Department that acquisition of temporary and permanent easements on 16 parcels for the San Joaquin Pipeline Project was, on balance, in conformity with the San Francisco General Plan.

Since that time, the acquisition of two temporary construction easements and two permanent access road easements from the Tracy Golf and County Club (APN's 253-270-17, 19, 21, 24 and 25) have been identified as necessary for the upgrade of the San Joaquin Pipeline System (SJPL). An Assessor's Parcel Map is attached. We are requesting that Case No. 2009-0202R be amended to reflect the addition of this parcel as a requirement for the pipeline project. A copy of the June 29, 2009 letter from City Planning is attached. All other conditions remain the same.

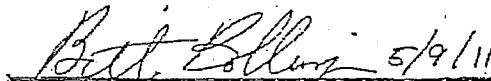
Should you have any questions or need additional information, please call Marta Bayol of my staff at 554-9865. We appreciate your consideration of this matter.

Sincerely yours,


John Updike
Acting Director of Real Estate

cc: Stephen Shotland, City Planning
Brian Morelli, PUC
Kathy Wood, ARWS

Proposed project was covered
under the San Joaquin Pipeline
System EIR (case #2007.018E).


Approved Planning Dept. Brett Bollinger
2011.0474E



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

June 29, 2009

Ms. Amy L. Brown
Director of Real Estate
Real Estate Division
Department of Administrative Services
25 Van Ness Avenue, Suite 400.
San Francisco, CA 94102.

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Re: Case No. 2009.0202R
Right of Way Acquisitions -
SF Public Utilities Commission (PUC)
PUC San Joaquin Pipeline Project

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BOARD OF SUPERVISORS
SAN FRANCISCO
2011 JUN -2 AM 9:39
BY [Signature]

Dear Ms. Brown:

The Department received your request, dated March 12, 2009, for a General Plan Referral as required by Section 4.105 of the San Francisco Charter, and Section 2A.53 of the San Francisco Administrative Code. The project is the proposed acquisition of temporary and permanent easements from several private and municipal property owners. The Public Utilities Commission (PUC) proposes to acquire easements on 16 parcels, located in Stainslaus and San Joaquin counties. Acquisition of the temporary and permanent easements is, on balance, in conformity with the San Francisco General Plan.

Project Description

The primary goal of the project is to improve the reliability of water delivery, quality and supply and drought management and seismic reliability per the SFPUC's Water System Improvement Program. The San Joaquin Pipeline Project (SJPL) will consist of constructing two new crossover facilities, installation of pipelines, and the construction of a new vault. The project construction is anticipated to impact several private and municipal properties. Temporary Construction Easements and Staging Areas and Temporary and Permanent access roads will be needed.

Environmental Review

The Department has determined that the proposed easement acquisition is Categorically Exempt from Environmental Review pursuant to CEQA Guidelines, Section 15060(c)(2).

Memo

Case Number: 2009.0202R

Assessor's Parcel
Number: Location outside of San Francisco County

Location, Description: Various municipalities and private properties along the San Joaquin Pipeline, see Exhibit Acquisition of vacant properties in unincorporated areas of Alameda and Santa Clara Counties for use by the PUC.

Staff Reviewer: Claudia Flores

Date: June 19, 2009

GENERAL PLAN POLICY FINDINGS

Note: General Plan Objectives and Policies concerning the project are in bold font, and General Plan text is in regular font. Staff comments are in *italic font*.

ENVIRONMENTAL PROTECTION ELEMENT

OBJECTIVE 5

ASSURE A PERMANENT AND ADEQUATE SUPPLY OF FRESH WATER TO MEET THE PRESENT AND FUTURE NEEDS OF SAN FRANCISCO.

Hetch Hetchy and the Water Department should continue their excellent planning program to assure that the water supply will adequately meet foreseeable consumption demands. To this end, the City should be prepared to undertake the necessary improvements and add to the Hetch Hetchy/Water Department system in order to guarantee the permanent supply. Furthermore, San Francisco should continually review its commitments for the sale of water to suburban areas in planning how to meet future demand.

POLICY 5.2

Exercise controls over development to correspond to the capabilities of the water supply and distribution system.

POLICY 5.3

Ensure water purity.

Planning Code Section 101.1(b) establishes the following eight priority planning policies and requires review of permits for consistency with said policies. The Project and this General Plan Referral application are consistent or inconsistent with each of these policies as follows:

1. That existing neighborhood-serving retails uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

The project would not affect neighborhood serving retail uses or opportunities for employment in or ownership of such businesses.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The Project would not affect the City's housing stock or neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced.

The Project would not affect the City's supply of affordable housing.

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking.

The Project would not affect Muni transit service, streets, or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project would not affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project would not affect preparedness against injury and loss of life in an earthquake and would comply with applicable safety standards.

7. That landmarks and historic buildings be preserved.

The Project would not affect any of the City's historic resources.

8. That our parks and open space and their access to sunlight and vistas be protected from development.

REV 4-14-09

EXHIBIT A
San Joaquin Pipeline System (SJPL)

PRIVATE AND MUNICIPAL PROPERTIES POTENTIALLY IMPACTED BY PROJECT

OWNER	APN/P.M.	LOCATION	MAP PAGE
The Ardis Family Partnership	010-015-062 59.42	Wamerville Rd. Oakdale, CA Stanislaus County	22
Emilio Moran	010-041-026 59.50	Wamerville Rd. Oakdale, CA Stanislaus County	22
Frank M. Bettencourt	016-002-014 87.33	813 S. River Rd. Vernalis, CA Stanislaus County	18 & 31
Henry Bettencourt	016-002-014 87.34	2400 River Rd. Patterson, CA Stanislaus County	18
Clifford W. & Onalee J. Koster	255-070-08 93.10	3310 W. St. RT 132 Hwy Tracy, CA San Joaquin County	8
Triangle Properties, Inc	253-280-03 93.93	35555 S. Bird Rd Tracy, CA San Joaquin County	6
USA - USACE	016-009-037 86.40	Pelican Rd. Vernalis, CA Stanislaus County	20
Willms Ranch, LLC	011-013-006 011-013-011 53.25-53.40	Willms Road Salida, CA Stanislaus County	32
Richard B. Ardis	011-001-028 53.85	Willms Road Salida, CA Stanislaus County	32
James W. Lopes	016-002-017 016-002-018 016-002-044 87.75-88.80	Blewett Road Vernalis, CA Stanislaus County	31
Garry & Christine DeWolf	253-170-05 96.10	Chrisman Road Tracy, CA San Joaquin County	30
Union Pacific Railroad Co.	Stationing 89+51 89.51	Hwy 33 between McCraken & Welty Roads Vernalis, CA Stanislaus County	14

** Complete copy of document is
located in

File No. 110729

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SAN FRANCISCO

2011 JUN -2 AM 9:38

BY RBC

AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE

by and between

TRACY GOLF AND COUNTRY CLUB, INC.,
a California corporation

as Seller

and

CITY AND COUNTY OF SAN FRANCISCO,

as Buyer

For the purchase and sale of

Two Temporary Construction Easements and Two Permanent Access Road Easements
over, in and upon real property in
San Joaquin County, California

_____, 2011

**FORM SFEC-126:
NOTIFICATION OF CONTRACT APPROVAL**
(S.F. Campaign and Governmental Conduct Code § 1.126)

City Elective Officer Information (Please print clearly.)	
Name of City elective officer(s): Members, Board of Supervisors	City elective office(s) held: Members, Board of Supervisors

Contractor Information (Please print clearly.)	
Name of contractor: Tracy Golf and Country Club, Inc., a California Corporation	
<i>Please list the names of (1) members of the contractor's board of directors; (2) the contractor's chief executive officer, chief financial officer and chief operating officer; (3) any person who has an ownership of 20 percent or more in the contractor; (4) any subcontractor listed in the bid or contract; and (5) any political committee sponsored or controlled by the contractor. Use additional pages as necessary.</i>	
Please see attached list.	
Contractor address: 35000 S. Chrisman Road, Tracy, CA	
Date that contract was approved: (By the SF Board of Supervisors)	Amount of contract: \$83,900
Describe the nature of the contract that was approved: Purchase of easements for the SanJoaquin Pipeline system Project	
Comments:	

This contract was approved by (check applicable):

the City elective officer(s) identified on this form

a board on which the City elective officer(s) serves: San Francisco Board of Supervisors
Print Name of Board

the board of a state agency (Health Authority, Housing Authority Commission, Industrial Development Authority Board, Parking Authority, Redevelopment Agency Commission, Relocation Appeals Board, Treasure Island Development Authority) on which an appointee of the City elective officer(s) identified on this form sits

Print Name of Board

Filer Information (Please print clearly.)	
Name of filer: Angela Calvillo, Clerk of the Board	Contact telephone number: (415) 554-5184
Address: City Hall, Room 244, 1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102	E-mail: Board.of.Supervisors@sfgov.org

Signature of City Elective Officer (if submitted by City elective officer)

Date Signed

Signature of Board Secretary or Clerk (if submitted by Board Secretary or Clerk)

Date Signed



Tracy Golf and Country Club

HOME | MEMBERS ONLY

THE COUNTRY CLUB

THE GOLF COURSE

EVENTS / ACTIVITIES

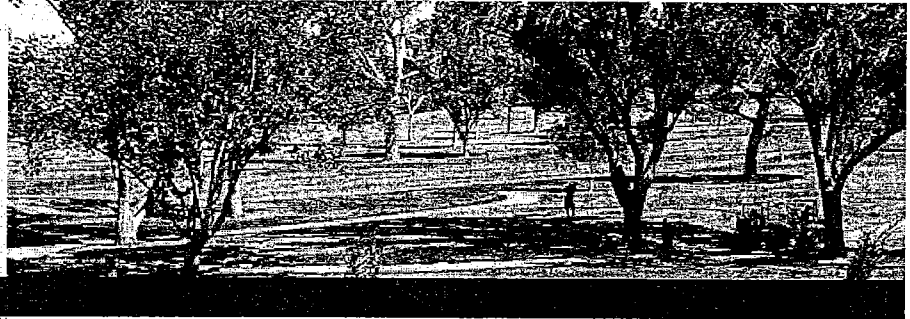
MEMBERSHIP

CONTACT



GOLFNOW.
Go. Play.

DRIVEN BY GOLF CHANNEL



Contact Info



Location | [Map of Area](#) | [Printable Map & Directions](#)

We are conveniently located just south of Tracy near I-580. The Club is nestled at the base of the Altamont Hills which provides a secluded and peaceful environment.

Business Office

35200 South Chrisman Rd
Tracy, CA 95377
Tel: (209) 835-9320
Fax: (209) 835-4220

Pro Shop

Tel: (209) 835-9463
Fax: (209) 833-0885

Tee Times

Call the Pro Shop or
Now Accepting Tee Times Through [GolfNow.com!](#)



Tracy Golf & Country Club Executive Board

Sara Gamache

President
Social Committee

Bill Poore

1st Vice President
Chair Compliance Committee
Chair Facilities Committee

Phil Governor

2nd Vice President
Chair House Committee

Matt Couch

Director
Vice Chair Greens Committee

Kevin Mahoney

Treasurer
Chair Finance Committee

Steve Quinn

Secretary
Chair Membership/Marketing Committee



