

1 [Exchange of real property within the Japan Center Garage.]

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3 **Resolution authorizing the exchange of certain City-owned real property generally**
4 **known as a portion of Lot 35, Assessor's Block 700 for certain property owned by Dae**
5 **Woong Kim, et al generally known as a portion of Lot 34, Assessor's Block 700;**
6 **adopting findings pursuant to the California Environmental Quality Act; adopting**
7 **findings that the exchange is consistent with the City's general plan and eight priority**
8 **policies of City Planning Code Section 101.1; and authorizing the Director of Property**
9 **to execute documents and take certain actions in furtherance of this resolution.**

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11 WHEREAS, The Japan Center Garage Corporation (the "Corporation") operates the
12 Japan Center Garages (the "Garage") on behalf of the City and County of San Francisco
13 under a lease agreement with the City; and

14 WHEREAS, A property dispute between the former adjacent property owner (the "Kong
15 Family Trust") and the Corporation resurfaced when the Corporation sought to eliminate the
16 long vehicle back-up in the Garage by installing a pay-on-foot system, rather than continue
17 use of an existing pay-at-exit system, and thereby expand the central cashiering area, to
18 which the Kong Family Trust restated its claim that its property extended into the Garage's
19 Geary Blvd. exit drive aisle; and,

20 WHEREAS, The Corporation and the Kong Family Trust negotiated a settlement
21 incorporated in a property dispute resolution agreement (the "Agreement"), dated April 1,
22 2003, wherein the two parties would exchange two small parcels of property (the "Property
23 Exchange"), with no consideration paid to either party, and share equally the renovation cost
24 to correct a building code accessibility violation, a copy of which is on file with the Clerk of the
25 Board of Supervisors in File No. 050082; and ,

Real Estate Division

BOARD OF SUPERVISORS

1 WHEREAS, The Corporation obtained authorization of the City's Municipal
2 Transportation Agency ("MTA") to complete the Property Exchange and perform the required
3 code renovation work by the MTA adopting Resolution No. 03-104 on June 17, 2003, a copy
4 of which is on file with the Clerk of the Board of Supervisors in File No. 050082; and

5 WHEREAS, The Kong Family Trust assigned its interest in the Agreement to the new
6 owners of the Kong Family Trust property (Dae Woong Kim, Young Oak Kim, Roy Hyun Koo
7 Kim, Hye Ok Kim, Byung Woo Jin and Kyung Won Jin - "Kim, et al") in an assignment and
8 assumption of property dispute resolution agreement and consent to assignment agreement
9 dated December 19, 2003, a copy of which is on file with the Clerk of the Board of
10 Supervisors in File No. 050082; and

11 WHEREAS, In a letter dated June 27, 2000, a copy of which is on file with the Clerk of
12 the Board of Supervisors in File No. 050082, the Director of City Planning found that
13 the Property Exchange is consistent with the City's General Plan and with the Eight Priority
14 Policies of City Planning Code Section 101.1, and that pursuant to the California
15 Environmental Quality Act ("CEQA"), State CEQA Guidelines and Chapter 31 of the San
16 Francisco Administrative Code, the property exchange is categorically exempt from CEQA;
17 now; therefore, be it

18 RESOLVED, That in accordance with the recommendation of the Director of Property
19 and the Acting Director, Parking Authority, the Board of Supervisors hereby approves the
20 Property Exchange and authorizes and urges the Director of Property to execute the
21 necessary agreements, in the name and on behalf of the City, consistent with the Agreement
22 presented to this Board to effectuate the Property Exchange; and, be it

23 FURTHER RESOLVED, That the Director of Property is hereby authorized and urged,
24 in the name and on behalf of the City and County, to execute and deliver a quitclaim deed to
25 Kim, et al (Portion of Lot 35, Assessor's Block 700) and to accept a quitclaim deed from Kim,

1 et al (Portion of Lot 34, Assessor's Block) under the Property Exchange upon the closing
2 described in the Agreement in accordance with the terms and conditions of the Agreement,
3 and to take any and all steps (including, but not limited to, the execution and delivery of any
4 and all certificates, agreements, notices, consents, escrow instructions, closing documents
5 and other instruments or documents) as the Director of Property and the City Attorney deem
6 necessary or appropriate in order to consummate the Property Exchange, or to otherwise
7 effectuate the purpose and intent of this resolution, such determination to be conclusively
8 evidenced by the execution and delivery by the Director of Property of any such documents;
9 and, be it

10 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
11 Property to enter into any additions, amendments or other modifications to the Property
12 Exchange (including, without limitation, attachment of exhibits) that the Director of Property
13 and the City Attorney determine are in the best interests of the City, that do not materially
14 increase the obligations or liabilities of the City, and are necessary or advisable to complete
15 the Property Exchange and effectuate the purpose and intent of this resolution; and, be it

16 FURTHER RESOLVED, That the Board of Supervisors finds, based on the record
17 before it and in its independent judgment, that the actions proposed in this legislation are
18 categorically exempt from CEQA for the reasons set forth in the CEQA findings of the Director
19 of City Planning set forth above and adopts as its own, and incorporates by reference herein
20 as though fully set forth, said findings; and, be it


21 FURTHER RESOLVED, That the Board of Supervisors adopts as its own, and
22 incorporates by reference herein as though fully set forth, the findings in the Director of City
23 Planning's letter referred to above, that the Property Exchange is in conformity with the

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1 General Plan and are consistent with the Eight Priority Policies of Planning Code
2 Section 101.1.

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4 RECOMMENDED:

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6 _____
7 Steve Legnitto
8 Director of Property

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10 _____
11 Ronald Szeto
12 Acting Director, Parking Authority

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City and County of San Francisco

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

Tails

Resolution

File Number: 050082

Date Passed:

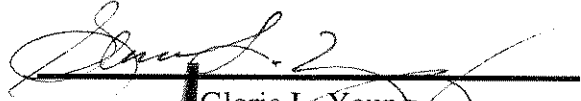
Resolution authorizing the exchange of certain City-owned real property generally known as a portion of Lot 35, Assessor's Block 700 for certain property owned by Dae Woong Kim, et al generally known as a portion of Lot 34, Assessor's Block 700; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the exchange 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 and take certain actions in furtherance of this resolution.

February 22, 2005 Board of Supervisors — ADOPTED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050082

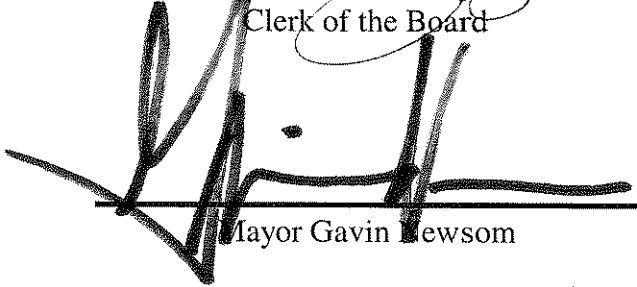
I hereby certify that the foregoing Resolution was ADOPTED on February 22, 2005 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

MAR 03 2005

Date Approved



Mayor Gavin Newsom