

1 [Real Property Purchase and Sale Agreement - Sale of Three Parcels in Millbrae, California -
2 Pradeep Gandhi and Gabriel Gonzalez - \$2,340,000]

3 **Resolution approving and authorizing the execution of a Purchase and Sale Agreement**
4 **with Pradeep Gandhi and Gabriel Gonzalez (together “Buyer”) or Buyer’s nominee, for**
5 **the conveyance by the City and County of San Francisco, acting through the San**
6 **Francisco Public Utilities Commission (SFPUC), to Buyer of three parcels, consisting of**
7 **approximately 15,341 square feet of real property located between Helen Drive and**
8 **Dexter Place, Millbrae, California for \$2,340,000; adopting findings under the California**
9 **Environmental Quality Act; adopting findings that the conveyance is consistent with**
10 **the General Plan, and the eight priority policies of Planning Code, Section 101.1; and**
11 **authorizing the Director of Property and/or the SFPUC’s General Manager to execute**
12 **documents, make certain modifications, and take certain actions in furtherance of this**
13 **Resolution.**

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15 WHEREAS, The City and County of San Francisco (“City”) owns certain real property
16 known as the SFPUC former Millbrae Lots under the jurisdiction of the San Francisco Public
17 Utilities Commission (“SFPUC”) located between 248 and 308 Helen Drive (Parcel I), between
18 247 and 307 Helen Drive (Parcel II), and between 12 and 16 Dexter Place (Parcel III) in
19 Millbrae, California (together, the “Property”), also known as San Mateo County Assessor’s
20 Parcels Numbers 093-212-010 (Parcel I), 093-213-010 (Parcel II), and 093-213-020 (Parcel
21 III); and

22 WHEREAS, The SFPUC Commission determined that the Property is no longer
23 required for SFPUC operational needs by Resolution No. 16-0264, dated December 13, 2016,
24 a copy of which is on file with the Clerk of the Board of Supervisors in File No. 170053; and
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1 WHEREAS, Charter, Section 8B.121(a) grants the SFPUC Commission the exclusive
2 charge of the real property assets under the Commission's jurisdiction; Charter,
3 Section 8B.121(e) provides that the Commission may transfer real property interests the
4 Commission declares to be surplus to the needs of any utility: and Charter, Section 9.118(c)
5 provides that any sale of real property owned by the City must be approved in advance by the
6 Board of Supervisors; and

7 WHEREAS, The SFPUC complied with reporting, notice, and other requirements of the
8 California Surplus Property Statute (California Government Code, Sections 54220
9 through 54233) and the San Francisco Surplus Property Ordinance (Administrative Code,
10 Chapter 23A) with respect to the sale of the Property; and

11 WHEREAS, The SFPUC, through its real estate broker Colliers International CA, Inc.,
12 solicited bids from prospective buyers of the Property to be submitted between
13 October 12, 2016, and October 27, 2016; and

14 WHEREAS, Pradeep Gandhi and Gabriel Gonzalez (together, "Buyer") offered to
15 purchase the Property for \$2,340,000, which SFPUC staff have determined to be the highest
16 and best responsible offer; and

17 WHEREAS, SFPUC staff, through consultation with the Director of Property and the
18 Office of the City Attorney, have negotiated a proposed Purchase and Sale Agreement with
19 Buyer ("Purchase and Sale Agreement"), a copy of which is on file with the Clerk of the Board
20 of Supervisors under File No. 170053, which is incorporated herein by this reference; and

21 WHEREAS, The Director of the Planning Department, by letter dated
22 October 28, 2016, found that the sale of the Property is consistent with the General Plan and
23 with the eight priority policies of Planning Code, Section 101.1, and is not a project under
24 California Environmental Quality Act (CEQA) Guidelines, Sections 15060(c) and 15378, a
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1 copy of which is on file with the Clerk of the Board of Supervisors under File No. 170053 and
2 is incorporated herein by reference; and now, therefore, be it

3 RESOLVED, That the Board of Supervisors hereby finds that the sale of the Property is
4 not a project under CEQA Guidelines, Sections 15060(c) and 15378 and is consistent with the
5 General Plan, and the eight priority policies of Planning Code, Section 101.1 as set forth in the
6 letter from the Director of Planning dated October 28, 2016; and, be it

7 FURTHER RESOLVED, That the City's Board of Supervisors, in accordance with the
8 recommendations of the SFPUC and the Director of Property, hereby approves the terms and
9 conditions of the Purchase and Sale Agreement for the sale of the Property to Buyer, or its
10 nominee, and authorizes the Director of Property and/or the SFPUC's General Manager, in
11 the name and on behalf of the City, to execute the Purchase and Sale Agreement in
12 substantially the form presented to the Board and to take any and all steps (including, but not
13 limited to, the execution and delivery of any and all certificates, agreements, notices,
14 consents, escrow instructions, closing documents, and other instruments or documents) as
15 the Director of Property or SFPUC General Manager deems necessary or appropriate in order
16 to consummate the sale contemplated by the Purchase and Sale Agreement to Buyer or its
17 nominee, or to otherwise effectuate the purpose and intent of this Resolution, such
18 determination to be conclusively evidenced by the execution and delivery by the Director of
19 Property and/or SFPUC General Manager of any such documents; and, be it

20 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
21 Property and/or the SFPUC General Manager, in the name and on behalf of the City, to enter
22 into any amendments or modifications to the Purchase and Sale Agreement (including the
23 attached exhibits) and enter into ancillary agreements, any consent to the assignment of the
24 Purchase and Sale Agreement to Buyer's nominee, and any other documents or instruments
25 in connection with the Purchase and Sale Agreement that the Director of Property or SFPUC

1 General Manager determines, in consultation with the City Attorney, are in the City's best
2 interest, do not materially decrease the City's benefits or materially increase the City's
3 liabilities or obligations in connection with the proposed sale transaction, and are necessary
4 and advisable to complete the proposed sale transaction and 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 or SFPUC General Manager of any such additions,
7 amendments, or other modifications; and, be it

8 FURTHER RESOLVED, That the Director of Property and/or the SFPUC General
9 Manager is hereby authorized and urged, in the name and on behalf of the City and County of
10 San Francisco, to take any and all steps (including, but not limited to, the execution and
11 delivery of any and all certificates, agreements, notices, consents, escrow instructions, closing
12 documents and other instruments or documents) as the Director of Property deems necessary
13 or appropriate in order to consummate the conveyance of the Property pursuant to the
14 Purchase and Sale Agreement, or to otherwise effectuate the purpose and intent of this
15 Resolution, such determination to be conclusively evidenced by the execution and delivery by
16 the Director of Property and/or the SFPUC General Manager of any such documents; and, be
17 it

18 FURTHER RESOLVED, That the Director of Property shall provide the Clerk of the
19 Board of Supervisors a fully executed copy of the Purchase and Sale Agreement within thirty
20 (30) days of signature of same.

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