

1 [Quitclaim Deed for Transfer of Existing Street, Sunnyvale, California - City of Sunnyvale - \$0]

2

3 **Resolution authorizing the Director of Property to execute a Quitclaim Deed for the**
4 **conveyance of real property by the City and County of San Francisco to the City of**
5 **Sunnyvale, commonly known as a portion of Manzano Way, Assessor's Parcel Block**
6 **No. 104-28-069 (the Existing Street) free of charge; adopting findings under the**
7 **California Environmental Quality Act; adopting findings that the conveyance is**
8 **consistent with the General Plan, and the priority policies of Planning Code, Section**
9 **101.1; adopting findings declaring that real property is "exempt surplus land;" and**
10 **authorizing the Director of Property to execute any documents, make certain**
11 **modifications, and take certain actions in furtherance of this Resolution, as defined**
12 **herein.**

13

14 WHEREAS, The City and County of San Francisco ("City"), under the jurisdiction of the
15 San Francisco Public Utilities Commission ("SFPUC"), owns certain real property located in
16 Sunnyvale, California commonly known as a portion of an existing street, Manzano Way
17 ("Existing Street"), also known as a portion of Santa Clara County Assessor's Parcel Block
18 No.104-28-069; and

19 WHEREAS, On December 18, 2015, the SFPUC executive management determined
20 that the Existing Street is unessential to the SFPUC's utility needs; and

21 WHEREAS, The SFPUC Commission determined that the Existing Street is no longer
22 required for SFPUC operational needs by Resolution No. 20-0030, dated February 11, 2020,
23 a copy of which is on file with the Clerk of the Board of Supervisors in File No. 201017; and

24 WHEREAS, San Francisco Charter, Section 8B.121(a) grants the SFPUC Commission
25 the exclusive charge of the real property assets under the SFPUC Commission's jurisdiction;

1 Charter, Section 8B.121(e) provides that the SFPUC Commission may transfer real property
2 interests the SFPUC Commission declares to be surplus to the needs of any utility, and
3 Charter, Section 9.118(c) provides that any transfer of real property owned by the City must
4 be approved in advance by the Board of Supervisors; and

5 WHEREAS, Under Section 23.3 of the Administrative Code, the City may convey the
6 Existing Street to Sunnyvale without a competitive bidding process if the Board of Supervisors
7 finds it would be impractical or impossible because the street has been incorporated into
8 Sunnyvale's public right-of-way and therefore "the Real Property is not capable of
9 independent development" as provided under Section 23.3; and

10 WHEREAS, City, through the SFPUC, desires to grant the Existing Street by quitclaim
11 deed to the City of Sunnyvale, and the City of Sunnyvale staff has approved the quitclaim
12 deed and legal descriptions in order for the City of Sunnyvale to accept the conveyance of the
13 Existing Street; and

14 WHEREAS, The Existing Street is an open public street, developed and maintained by
15 the City of Sunnyvale under a SFPUC revocable permit and is an integral part of a residential
16 area road network in the City of Sunnyvale; and

17 WHEREAS, Upon the transfer of the Existing Street to the City of Sunnyvale the
18 Existing Street will continue to be used for street purposes; and

19 WHEREAS, In a memorandum dated January 3, 2020, the City's Director of Property
20 determined that the fair market value of the Existing Street is zero, and therefore an appraisal
21 is not required under Section 23.3 of the Administrative Code; and

22 WHEREAS, This action does not constitute a "project" under California Environmental
23 Quality Act Guidelines, Section 15378 because there would be no physical change in the
24 environment; and

25

1 WHEREAS, The Director of the San Francisco Planning Department, by letter dated
2 February 4, 2020, found that the transfer of the Existing Street is consistent with the City's
3 General Plan, and with the eight priority policies of City Planning Code, Section 101.1, and is
4 not a project under CEQA Guidelines, Sections 15060(c) and 15378, a copy of which is on file
5 with the Clerk of the Board of Supervisors under File No. 201017 and is incorporated herein
6 by reference; now, therefore, be it

7 RESOLVED, That the Board of Supervisors hereby finds that the transfer of the
8 Existing Street is not a project under CEQA Guidelines, Sections 15060(c) and 15378 and is
9 consistent with the City's General Plan, and the eight priority policies of City Planning Code,
10 Section 101.1 as set forth in the letter from the Director of Planning, dated February 4, 2020;
11 and, be it

12 FURTHER RESOLVED, That the Board of Supervisors, finds, in consideration of the
13 foregoing, that the Existing Street is surplus to the SFPUC's utility needs and not necessary
14 for the SFPUC's use, and further declares it to be "exempt surplus land" under Government
15 Code, Sections 54221(b)(1) and 54221(f)(C) because (i) the City of Sunnyvale has been using
16 the Existing Street as an open public street, (ii) the City is transferring the land for continued
17 use by the City of Sunnyvale as an open public street, and (iii) the Existing Street is an
18 integral part of a residential area road network; and, be it

19 FURTHER RESOLVED, That the Board of Supervisors approves the quitclaim deed
20 conveying the Existing Street to the City of Sunnyvale (the Quitclaim Deed); and, be it

21 FURTHER RESOLVED, That the Board of Supervisors determines, in accordance with
22 Section 23.3 of the Administrative Code, that a competitive bidding process for the
23 conveyance of the Existing Street is impractical and impossible because the property has no
24 monetary value as a public street and "is not capable of independent development;" and, be it
25

1 FURTHER RESOLVED, That the Board of Supervisors hereby ratifies, approves, and
2 authorizes all actions heretofore taken by any City official in connection with the Quitclaim
3 Deed; and approves the terms and conditions of the Quitclaim Deed; and, be it

4 FURTHER RESOLVED, That the Board of Supervisors authorizes and directs City's
5 Director of Property to execute the Quitclaim Deed; and, be it

6 FURTHER RESOLVED, That the Board of Supervisors hereby authorizes City's
7 Director of Property to enter into any amendments or modifications to the quitclaim deed,
8 including without limitation, the exhibits, that City's Director of Property determines, in
9 consultation with the City Attorney, are in the best interest of City; do not materially increase
10 the obligations or liabilities of City; are necessary or advisable to effectuate the purposes and
11 intent of the quitclaim deed or this Resolution; and are in compliance with all applicable laws,
12 including the City Charter; and, be it

13 FURTHER RESOLVED, That the Board of Supervisors authorizes the City's Director of
14 Property to take any and all other steps that the Director of Property, in consultation with the
15 City Attorney, deems necessary and advisable to effectuate the purpose and intent of this
16 Resolution, and, be it

17 FURTHER RESOLVED, That the Director of Property shall provide the Clerk of the
18 Board of Supervisors a fully executed copy of the Quitclaim Deed within thirty (30) days of
19 signature of same.