

1 [Sale Agreement - City of San Bruno - 67,802 Square Feet of Portion of APNs 093-340-020
2 and 093-340-060 in San Bruno, San Mateo County - \$5,000]

3 **Resolution 1) approving and authorizing the sale to the City of San Bruno of**
4 **approximately 67,802 square feet of real property designated as San Mateo County**
5 **Assessor's Parcel Nos. (APNs) 093-340-060 and 093-340-020 for \$5,000; 2) adopting**
6 **findings declaring that the property is "surplus land" and "exempt surplus land"**
7 **pursuant to California Surplus Lands Act; 3) adopting findings under San Francisco**
8 **Administrative Code, Section 23.3, that offering the property for sale through**
9 **competitive bidding would be impractical and not in the public interest; 4) affirming the**
10 **City of San Bruno's determination under the California Environmental Quality Act; 5)**
11 **adopting findings that the sale is consistent with the General Plan, and the eight**
12 **priority policies of Planning Code, Section 101.1; 6) authorizing the San Francisco**
13 **Public Utilities Commission (SFPUC) General Manager and/or City's Director of**
14 **Property to execute documents, make certain modifications, and take certain actions in**
15 **furtherance of this Resolution, as defined herein; and to authorize the SFPUC General**
16 **Manager and/or City's Director of Property to enter into any additions, amendments, or**
17 **other modifications to the Sale Agreement that do not materially decrease the benefits**
18 **to the City with respect to the Property, and do not materially increase the obligations**
19 **or liabilities of either the SFPUC or the City, and are necessary or advisable to**
20 **complete the transaction contemplated in the Sale Agreement, to effectuate the**
21 **purpose and intent of this Resolution.**

22
23 WHEREAS, The City and County of San Francisco (the City) through the San
24 Francisco Public Utilities Commission (SFPUC), owns Parcel No. 9 (the Property) in the City
25 of San Bruno (San Bruno) and other parcels pursuant to that certain deed entitled "Market

1 Street Railway Company to the City and County of San Francisco Transportation System
2 Properties dated as of September 29, 1944” recorded in Book 1161 at Page 1 in the Official
3 Records of San Mateo County as Assessor’s Parcel Nos. 093-340-020 and 093-340-060; and

4 WHEREAS, The SFPUC refers to the lands conveyed under the deed as the “Former
5 Muni Right of Way”; and

6 WHEREAS, The City, through the SFPUC, and San Bruno are parties to a Revocable
7 Permit dated August 5, 1999 (1999 Permit), under which San Bruno uses portions of the
8 Former Muni Right of Way, including the Property, to maintain a roadway, landscaping, and
9 underground utility facilities on Huntington Avenue in San Bruno; and

10 WHEREAS, San Bruno desires to construct a two-way public bicycle path (the Project)
11 on the Property, among other San Bruno parcels; and

12 WHEREAS, San Bruno seeks to narrow the existing roadway median and vehicular
13 travel lanes on Huntington Avenue from Forest Lane to San Bruno Avenue to accommodate
14 the construction of the bicycle path while also maintaining a pedestrian sidewalk along the
15 northbound direction of the roadway (Project); and

16 WHEREAS, At San Bruno’s request, the SFPUC issued to San Bruno Revocable
17 License No. P4588 dated July 14, 2023 (2023 License); and

18 WHEREAS, The 2023 License, which partially revoked and superseded the 1999
19 Permit only as to the Property, provides San Bruno with the temporary possession and use of
20 the Property to construct certain Project components to meet its Project certification deadline;
21 and

22 WHEREAS, The 2023 License expires on the earlier of July 31, 2025, or the date the
23 Agreement for Sale of Real Estate (Agreement) is fully executed by the parties, and the deeds
24 granting fee interests to San Bruno are recorded in the Official Records of San Mateo County;
25 and

1 WHEREAS, San Bruno desires to acquire the Property from the City to own the Project
2 improvements and the underlying real property; and

3 WHEREAS, The SFPUC does not have any utility infrastructure within the Property,
4 and the Property is heavily encumbered with surface and subsurface easements that the San
5 Mateo County Transportation Authority condemned for the Bay Area Rapid Transit (BART)
6 San Francisco Airport extension; and

7 WHEREAS, Under San Francisco Administrative Code, Section 23.3, the City may
8 convey the Property to San Bruno without a competitive bidding process if the Board of
9 Supervisors determines a competitive process “is impractical, impossible, or is otherwise not
10 in the public interest, including, for example only and not by way of limitation, when the Real
11 Property is not capable of independent development, will be exchanged for other Real
12 Property, or when the Board determines that a negotiated direct Conveyance of the Real
13 Property will further a public purpose”; and

14 WHEREAS, In this case, in consultation with the Office of the City Attorney, a
15 competitive bidding process is impractical and otherwise not in the public interest because the
16 Property is currently used as a roadway, median, and for sidewalk improvements and is not
17 available for independent development; and

18 WHEREAS, The Property’s dimensions and location adjacent to Huntington Avenue
19 make its use by any other entity impractical; and

20 WHEREAS, Thus, there is no possible party other than San Bruno to which the City,
21 through the SFPUC, may convey the Property; and

22 WHEREAS, San Bruno’s installation of a bicycle track on the Property demonstrates
23 San Bruno’s intention to use the Property for public purpose; and
24
25

1 WHEREAS, On August 8, 2023, the Assistant General Managers of the Water
2 Enterprise, Power Enterprise, and Wastewater Enterprise each declared that the Property is
3 not essential to the SFPUC's utility needs; and

4 WHEREAS, The Property is "surplus land", as defined in California Government Code,
5 Section 54221(b), because it is owned in fee simple by the City and not necessary for the
6 City's use; and

7 WHEREAS, The Property is "exempt surplus land", as defined in California
8 Government Code, Section 54221(f)(1)(D), because it is surplus land that the City is
9 transferring to another local, state, or federal agency for the agency's use; and

10 WHEREAS, At the request of the SFPUC, the City's Director of Property reviewed and
11 agreed with the nominal value determination; and

12 WHEREAS, The \$5,000 fair market value determination falls below the City's
13 Administrative Code appraisal requirement for any property valued at or above \$10,000; and

14 WHEREAS, On July 9, 2024, San Bruno agreed to purchase the Property for \$5,000
15 under the terms of the Agreement; and

16 WHEREAS, Under the Agreement, the City, through the SFPUC, will sell the Property
17 to San Bruno on an "as is-where is basis", subject to this Board of Supervisors' approval; and

18 WHEREAS, On July 13, 2023, the City of San Bruno determined the Project to be
19 categorically exempt from environmental review under the CEQA Guidelines section 15301,
20 Class 1 (Existing Facilities) and statutorily exempt from environmental review under the CEQA
21 section 21080.25; and

22 WHEREAS, The San Francisco Planning Department, by letter dated August 30, 2023,
23 found that the sale of the Property is consistent with the General Plan, and the eight priority
24 policies of Planning Code, Section 101.1, which letter is on file with the Clerk of the Board of
25 Supervisors in File No. 250070, and incorporated herein by this reference; and

1 WHEREAS, On December 10, 2024, by Resolution No. 24-0246, the SFPUC
2 Commission approved the terms and conditions of the Agreement and authorized the General
3 Manager of the SFPUC to execute the Agreement and declared the Property surplus to the
4 SFPUC's utility needs in accordance with Section 8B.121(e) of the City Charter pursuant to
5 San Francisco Administrative Code, Section 23.3; now, therefore, be it

6 RESOLVED, That this Board of Supervisors finds that the sale of Property is not under
7 CEQA Guidelines, Section 15301, Class 1 (Exiting Facilities) and statutorily exempt from
8 environmental review under the CEQA section 21080.25, as set forth in the Notice of
9 Exemption dated July 13, 2023; and, be it

10 FURTHER RESOLVED, That this Board hereby declares the Property surplus to the
11 SFPUC's utility needs in accordance with Section 8B.121(e) of the City Charter; and, be it

12 FURTHER RESOLVED, That this Board finds that the Property is "surplus land", as
13 defined in California Government Code, Section 55421(b), because it is owned in fee simple
14 by City and not necessary for City's use; and, be it

15 FURTHER RESOLVED, That this Board finds, in consideration of the foregoing, that
16 the Property is "exempt surplus land" as defined in California Government Code, Section
17 54221(f)(1)(D), because it is surplus land that the City is transferring to another local agency
18 and state agency for the agency's use; and, be it

19 FURTHER RESOLVED, That this Board of Supervisors hereby determines, in
20 accordance with Section 23.3 of the Administrative Code, that a competitive bidding process
21 for the conveyance of the Property is impractical and is otherwise not in the public interest
22 because (i) the Property is currently used as a roadway, median, and for sidewalk
23 improvements and is not available for independent development; (ii) the sale will support the
24 construction of public highway improvements; and (iii) because the Property's location and
25 dimension make use by any other entity impractical; and, be it

1 FURTHER RESOLVED, That, in accordance with the recommendation of the SFPUC,
2 the Board approves and authorizes the City to sell the Property to the City of San Bruno for
3 \$5,000; and, be it

4 FURTHER RESOLVED, That, in accordance with the SFPUC's recommendations, this
5 Board approves the terms and conditions of the Sale Agreement for the sale of the Property to
6 the City of San Bruno, and approves and authorizes the SFPUC General Manager and/or
7 City's Director of Property to take all actions necessary or appropriate to sell the Property and
8 effectuate the Sale Agreement and this Resolution; and, be it

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

20 FURTHER RESOLVED, That in accordance with the recommendation of the SFPUC
21 General Manager, the Board ratifies, approves, and authorizes all actions heretofore taken by
22 any City official in connection with the Sale Agreement and the transaction contemplated
23 thereby; and, be it

24 FURTHER RESOLVED, That the Board authorizes the SFPUC General Manager
25 and/or City's Director of Property, in consultation with the Office of the City Attorney, to enter

1 into any additions, amendments, or other modifications to the Sale Agreement and Quitclaim
2 Deed, including without limitation any exhibits or attachments to the Agreement and Quitclaim
3 Deed, that the General Manager determines, in consultation with the City Attorney, are in the
4 best interest of the City; do not materially increase the obligations or liabilities of the City; are
5 necessary or advisable to effectuate the purposes and intent of the Agreement, Quitclaim
6 Deed, or this resolution; and are in compliance with all applicable laws, including the City
7 Charter; and, be it

8 FURTHER RESOLVED, That within thirty (30) days after the Closing (as defined in the
9 Sale Agreement), the SFPUC shall provide any applicable final contracts to the Clerk of the
10 Board for inclusion into the official file.