

1 [Purchase of Real Property and located at 1298 Ocean Avenue, San Francisco for the Public
2 Library.]

3
4 **Resolution authorizing the execution and performance of an Agreement of Purchase**
5 **and Sale for Real Estate between the City and County of San Francisco and George**
6 **Yasbek, a single man (the "Seller"), for the purchase of real property and**
7 **improvements located at 1298 Ocean Avenue, San Francisco, for use as the Ingleside**
8 **Branch Library of the San Francisco Public Library; adopting findings under the**
9 **California Environmental Quality Act; and adopting findings that the conveyance is**
10 **consistent with the City's General Plan and Eight Priority Policies of City Planning**
11 **Code Section 101.1.**

12
13 WHEREAS, In November of 2000, the voters of the City passed a general obligation
14 bond for the renovation and acquisition of land and improvements for the City's Public Library
15 system; and,

16 WHEREAS, The Seller owns the real property and improvements consisting of an
17 approximately 11,120 square foot parcel of land, located at 1298 Ocean Avenue, San
18 Francisco, California (the "Property") and desires to sell the Property; and,

19 WHEREAS, On December 19, 2002, by Resolution the San Francisco Public Library
20 Commission unanimously endorsed and recommended to the Board of Supervisors approval
21 of the purchase of the Property from the Seller; and,

22 WHEREAS, There are sufficient bond funds available to pay for the purchase of the
23 Property; and,

24 WHEREAS, In order to consummate the purchase of the Property, the Board of
25 Supervisors desires to authorize the execution, delivery and performance of the Purchase

1 Agreement (a copy of the proposed Purchase Agreement is on file with the Clerk of the Board
2 of Supervisors); and,

3 WHEREAS, the purchase price for the Property is \$1,850,000, (the "Purchase Price")
4 has been determined by the Director of Property to reflect the fair market value of the
5 Property; and,

6 WHEREAS, Pursuant to the Purchase Agreement, the City will have the opportunity to
7 review information concerning the Property and to terminate the Purchase Agreement if the
8 City is dissatisfied with the results of its due diligence review; and,

9 WHEREAS, The Purchase Agreement includes a limited indemnification by the City in
10 connection with the City's entry onto the Property for purposes of conducting due diligence
11 investigations, inquiries and studies; and,

12 WHEREAS, On February 12, 2003, the Department of City Planning adopted and
13 issued a General Plan Consistency Finding, a copy of which is on file with the Clerk of the
14 Board, wherein the Department of City Planning found that the acquisition of the Property
15 pursuant to the Purchase Agreement is consistent with the City's General Plan and with the
16 Eight Priority Policies under Planning Code Section 101.1; and,

17 WHEREAS, On February 18, 2003, the Department of City Planning also found that
18 acquisition of the Property is categorically exempt from Environmental Review a copy of which
19 finding is on file with the Clerk of the Board; now, therefore, be it

20 RESOLVED, That the Board of Supervisors hereby adopts the findings contained in the
21 documents from the Department of City Planning dated February 18, 2003, regarding the
22 California Environmental Quality Act, and hereby incorporates such findings by reference as
23 though fully set forth in this Resolution; and be it,

24 FURTHER RESOLVED, That the Board of Supervisors hereby finds that the purchase
25 of the Property, as contemplated by the Purchase Agreement is consistent with the General

1 Plan, and with the eight Priority Policies of Planning Code Section 101.1 for the same reasons
2 as set forth in the letter of the Department of City Planning, dated February 12, 2003, and
3 hereby incorporates such findings by reference as though fully set forth in this Resolution;
4 and, be it

5 FURTHER RESOLVED, That in accordance with the recommendation of the Director
6 of Property, the Library Commission and the City Librarian, the execution, delivery and
7 performance of the Purchase Agreement is hereby approved and the Director of Property (or
8 his designee) is hereby authorized to execute the Purchase Agreement, in substantially the
9 form of such Purchase Agreement and on behalf of the City and any such other documents
10 that are necessary or advisable to complete the transaction contemplated by the Purchase
11 Agreement and effectuate the purpose and intent of this Resolution; and, be it

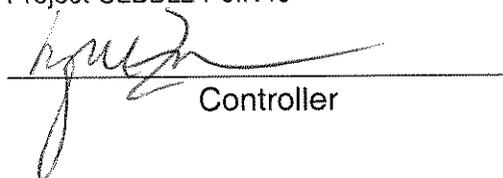
12 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
13 Property to cooperate with Seller's 1031 Tax Deferred Exchange at no cost or liability to City;
14 and, be it

15 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
16 Property (or his designee) to enter into any additions, amendments or other modifications to
17 the Purchase Agreement and any other documents or instruments necessary in connection
18 therewith, that the Director of Property determines are in the best interests of the City, do not
19 materially decrease the benefits to the City with respect to the Property, do not materially
20 increase the obligations or liabilities of the City, and are necessary or advisable to complete
21 the transaction contemplated in the Purchase Agreement and effectuate the purpose and
22 intent of this Resolution, such determination to be conclusively evidenced by the execution
23 and delivery by the Director of Property (or his designee) of any such additions, amendments,
24 or other modifications; and, be it

25

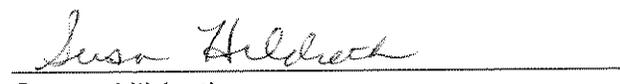
1 FURTHER RESOLVED, That all actions authorized and directed by this Resolution and
2 heretofore taken are hereby ratified, approved and confirmed by this Board of Supervisors.
3

4
5 \$1,850,000 Available
6 Branch Library Facilities Improvement
7 Bonds, 2000
8 Funding Code 3C PLI 01E
9 Index Code PWA803CLI01E
10 Project CLBBL2 P0IN40

11 
12 _____
13 Controller

14 RECOMMENDED:

15 
16 _____
17 Steve Legnitto
18 Acting Director of Property

19 
20 _____
21 Susan Hildreth
22 City Librarian



City and County of San Francisco

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

Tails Resolution

File Number: 030752

Date Passed:

Resolution authorizing the execution and performance of an Agreement of Purchase and Sale for Real Estate between the City and County of San Francisco and George Yasbek, a single man (the "Seller"), for the purchase of real property and improvements located at 1298 Ocean Avenue, San Francisco, for use as the Ingleside Branch Library of the San Francisco Public Library; adopting findings under the California Environmental Quality Act; and adopting the findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.

June 10, 2003 Board of Supervisors — ADOPTED

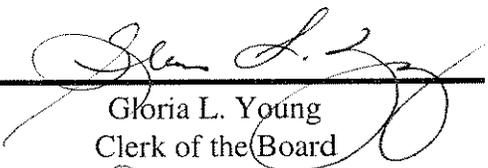
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval

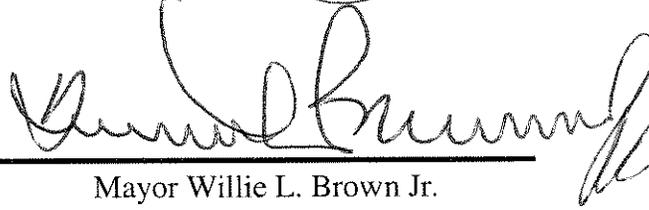
File No. 030752

I hereby certify that the foregoing Resolution was ADOPTED on June 10, 2003 by the Board of Supervisors of the City and County of San Francisco.

JUN 20 2003

Date Approved


Gloria L. Young
Clerk of the Board


Mayor Willie L. Brown Jr.