

1 [Easement Modification and Relocation Agreement – University of California Parnassus
2 Heights Campus]

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4 **Resolution approving and authorizing the execution and delivery of an Easement**
5 **Modification and Relocation Agreement between The Regents of the University of**
6 **California (“University”) and the City and County of San Francisco, acting by and**
7 **through its Public Utilities Commission (collectively referred to hereafter as the “City”),**
8 **authorizing the City’s acceptance of a Modified and Restated Grant of Easement and**
9 **Agreement For Expanded Storage Tank Easement, the City’s quitclaim of the Existing**
10 **Storage Tank Easement to the University, the City’s acceptance of a Grant of Easement**
11 **and Agreement For New Pump Station Easement and the City’s quitclaim of the**
12 **Existing Pump Station Easement to the University following completion of the Project;**
13 **adopting findings of consistency with the General Plan and Eight Priority Policies of**
14 **Planning Code Section 101.1; and adopting environmental findings.**

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17 WHEREAS, The City currently operates certain existing water supply facilities known
18 as the Forest Knolls pump station, storage tank and related facilities (the “Existing Facilities”)
19 located on property owned by the University and referred to as the University of California,
20 San Francisco Parnassus Heights Campus (the “Property”); and,

21 WHEREAS, The Existing Facilities serve the University’s Parnassus Heights Campus
22 and a portion of the residential neighborhood on the south slope of Mount Sutro, and provide
23 a water storage reserve for the fire hydrants to the Forest Knolls system; and,

24 WHEREAS, The University previously granted to City the following two (2) easements
25 for the Existing Facilities: (i) an easement (the “Existing Storage Tank Easement”) to

1 construct, maintain, replace and operate a water storage tank and pipeline facilities in, on and
2 along a portion of the Property; and (ii) an easement (the “Existing Pump Station Easement”)
3 for water pumping station purposes and appurtenances in, on and along a portion of the
4 Property; and,

5 WHEREAS, The City proposes to replace the existing pump station and upgrade the
6 water storage tank and related facilities, (collectively, the “Project”); and

7 WHEREAS, Relocation of the Existing Pump Station Easement and modification of
8 the Existing Storage Tank Easement are necessary in order for City to construct the Project;
9 and

10 WHEREAS, The City has negotiated with the University an Easement Modification and
11 Relocation Agreement (the “Agreement”), a copy of which is on file with the Clerk of the Board
12 of Supervisors in File No. 071460 and which is incorporated by reference as though fully set
13 forth herein, which provides for the City to accept at no cost to the City easement deeds from
14 the University to modify the existing storage tank facility and for a new pump station site and
15 for the City to quitclaim to the University the existing storage tank easement prior to accepting
16 the modified storage tank easement deed and quitclaim to the University the existing pump
17 station site easement upon completion of the Project; and

18 WHEREAS, The City Planning Department in its letter dated July 7, 2006, a copy of
19 which is on file with the Clerk of the Board of Supervisors in File No. 071460, determined that
20 the Project on balance is in conformity with the City’s General Plan and the Eight Priority
21 Policies of Planning Code Section 101.1 and is categorically exempt under CEQA; now,
22 therefore, be it

23 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
24 hereby finds that City’s execution and performance of the Agreement is consistent with the
25 City’s General Plan and the Eight Priority Policies of Planning Code Section 101.1 and is

1 categorically exempt under CEQA for the same reasons as set further in the letter from the
2 City Planning Department, dated July 7, 2006, and hereby incorporates such findings by
3 reference as though fully set forth in this resolution; and be it

4 FURTHER RESOLVED, That the Board of Supervisors hereby approves the
5 Agreement and authorizes the City to execute and deliver the Agreement in substantially the
6 form as presented to this Board, and to take all acts set forth in the Agreement to effectuate
7 the upgrade of the existing facilities; and be it

8 FURTHER RESOLVED, That the Board of Supervisors authorizes the City's Director of
9 Property to accept (i) the Modified and Restated Grant of Easement and Agreement For
10 Expanded Storage Tank Easement and (ii) the Grant of Easement and Agreement For New
11 Pump Station Easement (as such documents are defined in the Agreement) and to execute
12 and deliver the Storage Tank Easement Quitclaim (as defined in the Agreement) prior to the
13 acceptance of the Modified and Restated Grant of Easement and Agreement For Expanded
14 Storage Tank Easement and to execute and deliver the the Existing Pump Station Easement
15 Quitclaim (as defined in the Agreement) upon satisfactory completion of the Project per the
16 terms of the Agreement; and be it

17 FURTHER RESOLVED, That this Board authorizes the General Manager of the San
18 Francisco Public Utilities Commission (the "SFPUC") and the City's Director of Property to
19 take any and all other steps they or the City Attorney deem necessary and advisable to
20 effectuate the purpose and intent of this Resolution; and be it

21 FURTHER RESOLVED, That the General Manager of the SFPUC and the City's
22 Director of Property shall be authorized to enter into any amendments or modifications to the
23 Agreement, including without limitation, the exhibits, and other related documents or
24 memorandum, that the General Manager or the Director of Property determine, in consultation
25 with the City Attorney, are in the best interest of the City, do not otherwise materially increase

1 the obligations or liabilities of the City, are necessary or advisable to effectuate the purposes
2 of the Agreement or this Resolution, and are in compliance with all applicable laws, including
3 City's Charter.

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5 **Recommended:**

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8 Amy L. Brown
9 Director of Property

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