

1 [Sale of Lot 5 in Block 4357]

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3 **Resolution authorizing a sale of land under the jurisdiction of the San Francisco Public**  
4 **Utilities Commission to Gaehwiler; adopting findings that the conveyance is in**  
5 **conformity with the City's General Plan and is consistent with the Eight Priority**  
6 **Policies of City Planning Code Section 101.1; adopting findings pursuant to the**  
7 **California Environmental Quality Act; ratifying acts and authorizing actions in**  
8 **furtherance of this resolution; and authorizing the Director of Property to execute**  
9 **documents, make certain modifications and take certain actions in furtherance of this**  
10 **resolution.**

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12 WHEREAS, The City and County of San Francisco owns Lot 5 within Assessor's Block  
13 4357 in the City and County of San Francisco, under the jurisdiction of the San Francisco  
14 Public Utilities Commission ("SFPUC") in its Clean Water Program; and

15 WHEREAS, The owners of adjacent Lot 6 in Block 4357 have requested that the City  
16 sell to them the City's Lot 5, containing approximately 8,862 square feet; and,

17 WHEREAS, The SFPUC has by its Resolution No. 04-0150, a copy of which is on file  
18 with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_, declared Lot 5 in Block 4357 to  
19 be surplus property and authorized a request for the Director of Property to process a sale of  
20 Lot 5; and,

21 WHEREAS, By letter dated October 28, 2003, a copy of which is on file with the Clerk  
22 of the Board of Supervisors in File No. \_\_\_\_\_, which is hereby declared to be a part of this  
23 resolution as if set forth fully herein, the Department of City Planning reported its findings that  
24 the proposed sale is categorically exempt from the Environmental Review under Class 12-  
25 Surplus of Government Property Sales-of the State Environmental Review Guidelines, is in

1 conformity with City's General Plan and is consistent with the Eight Priority Policies of  
2 Planning Code Section 101.1; and,

3 WHEREAS, A copy of the proposed Agreement for Purchase and Sale (the  
4 "Agreement") between the City and the land owners is on file with the Clerk of the Board of  
5 Supervisors in File No. \_\_\_\_\_, which is hereby declared to be a part of this resolution as if  
6 set forth fully herein; and,

7 WHEREAS, The Agreement provides for the City to sell its interest in Lot 5 of Block  
8 4357 to the Gaehwiler 2000 Trust, by Martin Gaehwiler, Sr., as Trustee, and Martin  
9 Gaehwiler, Jr. as his sole and separate property ("Gaehwiler" or "Buyer") subject to the  
10 satisfaction of certain conditions, including the payment of \$290,000; and,

11 WHEREAS, The Director of Property has determined that the consideration of  
12 \$290,000 to be paid by the Buyer is a fair market value as negotiated; and, now, therefore, be  
13 it

14 RESOLVED, That this Board of Supervisors in accordance with the recommendations  
15 of the San Francisco Public Utilities Commission and the Director of Property hereby  
16 approves the Agreement and the transactions contemplated thereby and authorizes the  
17 Director of Property to execute the Agreement in the name and on behalf of the City, in  
18 substantially the form of such Agreement presented to this Board; and, be it

19 FURTHER RESOLVED, That this Board of Supervisors adopts as its own and  
20 incorporates by reference herein, as though fully set forth, the findings made by the  
21 Department of City Planning that this sale of land is categorically exempt from environmental  
22 review, is in conformity with the General Plan and is consistent with the Eight Priority Policies  
23 of City Planning Code Section 101; and, be it

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1           FURTHER RESOLVED, That this Board of Supervisors authorizes the Director of  
2 Property to execute a Quitclaim Deed (the “Deed”) to effect the conveyance described in the  
3 Agreement; and, be it

4           FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of  
5 Property to enter into any additions, amendments or other modifications to the Agreement and  
6 to the Deed (including without limitation, any exhibits) as reviewed by the City Attorney and  
7 that the Director of Property determines are in the best interest of the City, do not decrease  
8 the revenues to the City, or do not materially increase the obligations or liabilities of the City  
9 and are advisable to complete the transactions contemplated by the Agreement and Deed  
10 and to effectuate the purpose and intent of this resolution.

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12 RECOMMENDED:

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Director of Property

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