

1 [Purchase of Real Property located at 5033 Third Street, San Francisco for the Public Library.]

2

3 **Resolution authorizing the execution and performance of an Agreement of**
4 **Purchase and Sale for Real Estate between the City and County of San**
5 **Francisco and Doug Wong and Pearl Yee Wong, husband and wife, as joint**
6 **tenants (the "Seller"), for the purchase of real property and improvements**
7 **located at 5027 – 5033 Third Street, San Francisco, to expand the Bayview/**
8 **Anna E Waden Branch Library of the San Francisco Public Library; adopting**
9 **findings under the California Environmental Quality Act; and adopting findings**
10 **that the conveyance is consistent with the City's General Plan and Eight**
11 **Priority Policies of City Planning Code Section 101.1.**

12

13 WHEREAS, On November 7, 2000, the voters of the City and County of San
14 Francisco ("City") passed Proposition A, "Branch Library Facilities Improvement
15 Bonds, 2000" for general obligation bonds in the amount of \$105,865,000 for the
16 acquisition, renovation and construction of branch libraries and other library facilities;
17 and,

18 WHEREAS, On November 6, 2007, the voters passed Proposition D, "Library
19 Preservation Fund," authorizing the City to issue revenue bonds to raise additional
20 funding to complete renovation and/or building of all of the branch libraries under the
21 Branch Library Improvement Program ("BLIP"); and,

22 WHEREAS, The priorities of the BLIP include reducing seismic risk, meeting
23 modern technological needs and current code requirements, complying with the
24 Americans with Disabilities Act (ADA) and improving public service; and,

25

1 WHEREAS, The Bayview/Anna E. Waden Branch Library presently is housed
2 in a facility owned by the City located at 5075 3rd Street that does not meet modern
3 technological needs or current code requirements, comply with the Americans with
4 Disabilities Act (ADA) and is deemed by the Library Commission to be inadequate to
5 meet the needs of the neighborhood it is intended to serve; and,

6 WHEREAS, At the June 19, 2008 meeting, the Library Commission authorized
7 the City Librarian and the City's Real Estate Division, on behalf of the Library
8 Commission to pursue property acquisition options to accommodate a new one story
9 building; and,

10 WHEREAS, The Seller is the owner of Assessor's Block 5339, Lot 7A which is
11 the approximate 3,227 square foot parcel adjacent to the existing Bayview/Anna E
12 Waden Branch Library commonly known and numbered 5027 - 5033 Third Street (the
13 "Property"); and

14 WHEREAS, The City's Real Estate Division, on behalf of the Library
15 Commission and the City, has negotiated a purchase agreement to acquire the
16 Property for One Million One Hundred Seventy Five Thousand Dollars (\$1,175,000),
17 dated, for reference purposes only, as of August 15, 2008 (the "Purchase
18 Agreement"), subject to the conditions described in the Purchase Agreement, a copy
19 of which is on file with the Clerk of the Board; and

20 WHEREAS, On August 21, 2008, by Resolution the San Francisco Public
21 Library Commission unanimously endorsed and recommended to the Board of
22 Supervisors approval of the purchase of the Property ; and,

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

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

3 WHEREAS, the purchase price for the Property is \$1,175,000, (the "Purchase
4 Price") has been determined by the Director of Property to reflect the fair market
5 value of the Property; and,

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

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

13 WHEREAS, By letter dated October 20, 2008, the Department of City Planning
14 adopted and issued a General Plan Consistency Finding, a copy of which is on file
15 with the Clerk of the Board, wherein the Department of City Planning found that the
16 acquisition of the Property pursuant to the Purchase Agreement is consistent with the
17 City's General Plan and with the Eight Priority Policies under Planning Code Section
18 101.1; and on September 23, 2008, the Department of City Planning also found that
19 acquisition of the Property is categorically exempt from Environmental Review ; now,
20 therefore, be it

21 RESOLVED, That the Board of Supervisors hereby adopts the findings
22 contained in the document dated October 20, 2008, from the Department of City
23 Planning regarding the California Environmental Quality Act, and hereby incorporates
24 such findings by reference as though fully set forth in this Resolution; and be it,

25

1 FURTHER RESOLVED, That the Board of Supervisors hereby finds that the
2 purchase of the Property, as contemplated by the Purchase Agreement is consistent
3 with the General Plan, and with the eight Priority Policies of Planning Code Section
4 101.1 for the same reasons as set forth in the letter of the Department of City
5 Planning, dated October 20, 2008, and hereby incorporates such findings by
6 reference as though fully set forth in this Resolution; and, be it

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

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

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

1 determination to be conclusively evidenced by the execution and delivery by the
2 Director of Property (or her designee) of any such additions, amendments, or other
3 modifications; and, be it

4 FURTHER RESOLVED, That all actions authorized and directed by this
5 Resolution and heretofore taken are hereby ratified, approved and confirmed by this
6 Board of Supervisors.

7

8

9

10

11

12

13

14

\$1,175,000 Available
Funding Code 2SLIBCPR
Index Code PWA80802SIBCPR (\$796,700)
Project CLBB02094040
Index Code PWA80802SIBCPR (\$378,300)
Project CLBB02084040

15

Controller

16

RECOMMENDED:

17

18

Director of Property

19

20

City Librarian

21

Pursuant to SFPL Resolution _____

22

23

24

25