

FILE NO. 041165

RESOLUTION NO. 563-04

1 [Conveyance of Property in San Mateo County]

2
3 **Resolution authorizing a conveyance of property in the County of San Mateo; adopting**
4 **findings that the conveyance is consistent with the City's General Plan and Eight**
5 **Priority Policies of City Planning Code Section 101.1; adopting findings pursuant to the**
6 **California Environmental Quality Act and ratifying acts and authorizing actions in**
7 **furtherance of this resolution.**

8
9 WHEREAS, The City and County of San Francisco, by and through the San Francisco
10 Public Utilities Commission ("SFPUC"), owns certain property in the County of San Mateo and
11 adjacent to land sold by the City and County of San Francisco in 1983 to the Midpeninsula
12 Regional Open Space District ("District"); and

13 WHEREAS, The District has requested that the City convey an additional 5,162-square
14 foot parcel (the "Land") which contains an abandoned sewage lift station structure, to allow
15 development of a public parking and staging area to serve its Pulgas Ridge Open Space
16 Preserve; and,

17 WHEREAS, The SFPUC has by its Resolution No. 03-0154, a copy of which is on file
18 with the Clerk of the Board of Supervisors in File No. 041165 and is incorporated herein by
19 reference, determined that the Land is surplus to its needs and authorized the conveyance to
20 the District at no cost; and,

21 WHEREAS, By letter dated June 23, 2004, a copy of which is on file with the Clerk of
22 the Board of Supervisors in File No. 041165 and is incorporated herein by reference, the
23 Department of City Planning reported its findings that the proposed conveyance is in
24 conformity with the City's General Plan, is categorically exempt from environmental review
25

1 under Class 12 of the State Environmental Review Guidelines: Surplus Government Property
2 Sales and is consistent with the Eight Priority Policies of Planning Code Section 101.1; and,

3 WHEREAS, The Director of Property has determined that the Land is not suitable for
4 housing development or other independent development, that a sale by auction or competitive
5 bidding process would be impractical as there is no other potential purchaser, and that the
6 conveyance to the District will further a proper public purpose, and;

7 WHEREAS, The Director of Property has determined there will be no diminishment in
8 the value of the remaining SFPUC land and that the District's assumption of all responsibility
9 for removal of the waste treatment facility and remediation and restoration of the Land will be
10 a fair consideration for the conveyance; and,

11 WHEREAS, A copy of the proposed Agreement for Purchase and Sale (the
12 "Agreement") between the City and the Midpeninsula Regional Open Space District is on file
13 with the Clerk of the Board of Supervisors in File No. 041165, which is hereby declared to be
14 a part of this resolution as if set forth fully herein; now, therefore, be it

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

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

25
*(Real Estate)

BOARD OF SUPERVISORS

Page 2

9/16/2004

c:\docume~1\mred\locals~1\temp\notes8f826b\proppty2.doc

1 FURTHER RESOLVED, That this Board of Supervisors authorizes the Director of
2 Property to execute a Quitclaim Deed, which deed shall have a reverter provision in the event
3 the open space condition is not met, and which deed shall provide that the transferee shall
4 defend and indemnify the City against any and all claims of liability for the existence, actual or
5 alleged, of hazardous materials on the property (the " Deed") to effect the conveyance as
6 described in the Agreement; and, be it

7 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
8 Property to enter into any additions, amendments or other modifications to the Agreement and
9 to the Deed (including without limitation, any exhibits) and to execute any other related
10 documents or certificates that the Director of Property determines are in the best interest of
11 the City, do not increase the costs to the City, or do not materially increase the obligations or
12 liabilities of the City and are advisable to complete the transactions contemplated by the
13 Agreement and Deed and to effectuate the purpose and intent of this resolution; and, be it

14 FURTHER RESOLVED, That all actions authorized by this resolution and heretofore
15 taken by any City official in connection with the subject matter hereof are hereby ratified,
16 confirmed and approved by this Board of Supervisors.

17
18 RECOMMENDED:

19
20
21 see original for signatures

22 Steve Legnitto
23 Director of Property
24
25

*(Real Estate)
BOARD OF SUPERVISORS



City and County of San Francisco

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

Tails

Resolution

File Number: 041165

Date Passed:

Resolution authorizing a conveyance of property in the County of San Mateo; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting findings pursuant to the California Environmental Quality Act and ratifying acts and authorizing actions in furtherance of this resolution.

September 21, 2004 Board of Supervisors — ADOPTED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

File No. 041165

I hereby certify that the foregoing Resolution was ADOPTED on September 21, 2004 by the Board of Supervisors of the City and County of San Francisco.

[Faint, illegible text]

SEP 30 2004

Date Approved

[Handwritten signature]

Gloria L. Young
Clerk of the Board

[Handwritten signature]

Mayor Gavin Newsom