

1 [Exchange of real property within the Japan Center Garage.]

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3 **Resolution authorizing the exchange of certain City-owned real property generally**  
4 **known as a portion of Lot 35, Assessor’s Block 700 for certain property owned by Dae**  
5 **Woong Kim, et al generally known as a portion of Lot 34, Assessor’s Block 700;**  
6 **adopting findings pursuant to the California Environmental Quality Act; adopting**  
7 **findings that the exchange is consistent with the City’s general plan and eight priority**  
8 **policies of City Planning Code Section 101.1; and authorizing the Director of Property**  
9 **to execute documents and take certain actions in furtherance of this resolution.**

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11 WHEREAS, The Japan Center Garage Corporation (the “Corporation”) operates the  
12 Japan Center Garages (the “Garage”) on behalf of the City and County of San Francisco  
13 under a lease agreement with the City; and

14 WHEREAS, A property dispute between the former adjacent property owner (the “Kong  
15 Family Trust”) and the Corporation resurfaced when the Corporation sought to eliminate the  
16 long vehicle back-up in the Garage by installing a pay-on-foot system, rather than continue  
17 use of an existing pay-at-exit system, and thereby expand the central cashiering area, to  
18 which the Kong Family Trust restated its claim that its property extended into the Garage’s  
19 Geary Blvd. exit drive aisle; and,

20 WHEREAS, The Corporation and the Kong Family Trust negotiated a settlement  
21 incorporated in a property dispute resolution agreement (the “Agreement”), dated April 1,  
22 2003, wherein the two parties would exchange two small parcels of property (the “Property  
23 Exchange”), with no consideration paid to either party, and share equally the renovation cost  
24 to correct a building code accessibility violation, a copy of which is on file with the Clerk of the  
25 Board of Supervisors in File No. \_\_\_\_\_; and ,

1           WHEREAS, The Corporation obtained authorization of the City’s Municipal  
2   Transportation Agency (“MTA”) to complete the Property Exchange and perform the required  
3   code renovation work by the MTA adopting Resolution No. 03-104 on June 17, 2003, a copy  
4   of which is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_; and

5           WHEREAS, The Kong Family Trust assigned its interest in the Agreement to the new  
6   owners of the Kong Family Trust property (Dae Woong Kim, Young Oak Kim, Roy Hyun Koo  
7   Kim, Hye Ok Kim, Byung Woo Jin and Kyung Won Jin - “Kim, et al”) in an assignment and  
8   assumption of property dispute resolution agreement and consent to assignment agreement  
9   dated December 19, 2003, a copy of which is on file with the Clerk of the Board of  
10   Supervisors in File No. \_\_\_\_\_; and

11           WHEREAS, In a letter dated June 27, 2000, a copy of which is on file with the Clerk of  
12   the Board of Supervisors in File No. \_\_\_\_\_, the Director of City Planning found that  
13   the Property Exchange is consistent with the City’s General Plan and with the Eight Priority  
14   Policies of City Planning Code Section 101.1, and that pursuant to the California  
15   Environmental Quality Act (“CEQA”), State CEQA Guidelines and Chapter 31 of the San  
16   Francisco Administrative Code, the property exchange is categorically exempt from CEQA;  
17   now; therefore, be it

18           RESOLVED, That in accordance with the recommendation of the Director of Property  
19   and the Acting Director, Parking Authority, the Board of Supervisors hereby approves the  
20   Property Exchange and authorizes and urges the Director of Property to execute the  
21   necessary agreements, in the name and on behalf of the City, consistent with the Agreement  
22   presented to this Board to effectuate the Property Exchange; and, be it

23           FURTHER RESOLVED, That the Director of Property is hereby authorized and urged,  
24   in the name and on behalf of the City and County, to execute and deliver a quitclaim deed to  
25   Kim, et al (Portion of Lot 35, Assessor’s Block 700) and to accept a quitclaim deed from Kim,

1 et al (Portion of Lot 34, Assessor's Block) under the Property Exchange upon the closing  
2 described in the Agreement in accordance with the terms and conditions of the Agreement,  
3 and to take any and all steps (including, but not limited to, the execution and delivery of any  
4 and all certificates, agreements, notices, consents, escrow instructions, closing documents  
5 and other instruments or documents) as the Director of Property and the City Attorney deem  
6 necessary or appropriate in order to consummate the Property Exchange, or to otherwise  
7 effectuate the purpose and intent of this resolution, such determination to be conclusively  
8 evidenced by the execution and delivery by the Director of Property of any such documents;  
9 and, be it

10 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of  
11 Property to enter into any additions, amendments or other modifications to the Property  
12 Exchange (including, without limitation, attachment of exhibits) that the Director of Property  
13 and the City Attorney determine are in the best interests of the City, that do not materially  
14 increase the obligations or liabilities of the City, and are necessary or advisable to complete  
15 the Property Exchange and effectuate the purpose and intent of this resolution; and, be it

16 FURTHER RESOLVED, That the Board of Supervisors finds, based on the record  
17 before it and in its independent judgment, that the actions proposed in this legislation are  
18 categorically exempt from CEQA for the reasons set forth in the CEQA findings of the Director  
19 of City Planning set forth above and adopts as its own, and incorporates by reference herein  
20 as though fully set forth, said findings; and, be it

21 FURTHER RESOLVED, That the Board of Supervisors adopts as its own, and  
22 incorporates by reference herein as though fully set forth, the findings in the Director of City  
23 Planning's letter referred to above, that the Property Exchange is in conformity with the

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1 General Plan and are consistent with the Eight Priority Policies of Planning Code  
2 Section 101.1.

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4 RECOMMENDED:

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7 Steve Legnitto  
8 Director of Property

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11 Ronald Szeto  
12 Acting Director, Parking Authority

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\*\*Real Estate Division\*\*

**BOARD OF SUPERVISORS**

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