

## **PUBLIC UTILITIES COMMISSION**

City and County of San Francisco

RESOLUTION NO. 22-0070

WHEREAS, The City and County of San Francisco (City) owns approximately 10,925 square feet of real property designated as portions of Santa Clara County Assessor's Parcel No. 104-28-066 in Sunnyvale, California (Property, identified as Parcel 3); and

WHEREAS, A portion of the Property is improved with a concrete ramp structure that is a segment of a pedestrian/bicycle trail and also contains a segment of the Santa Clara Valley Water District's (Valley Water) service road extending north and south providing access to Valley Water facilities; and

WHEREAS, The SFPUC proposes to sell the Property to raise needed funds for the SFPUC's Water Enterprise. The SFPUC executed a statement of underutilization for the Property, dated December 18, 2015, signed by the Assistant General Managers of the Water, Wastewater, and Power Enterprises; and

WHEREAS, The Property is "surplus land," as defined in California Government Code Section 54221(b), because it is owned in fee simple by City and not necessary for City's use; and

WHEREAS, The Property is "exempt surplus land," as defined in California Government Code Section 54221(f)(1)(D), because it is surplus land that City is transferring to another local agency for the agency's use; and

WHEREAS, Under Section 23.3 of the Administrative Code, the City may convey the Property to Valley Water without a competitive bidding process if the Board of Supervisors determines that a competitive process "is impractical, impossible, or is otherwise not in the public interest;" and

WHEREAS, In this case, a competitive bidding process is impractical and otherwise not in the public interest because the sale of the Property to Valley Water will avoid the expense, time, effort, and risk of eminent domain litigation where Valley Water intends to continue use of Parcel 3 for Valley Water's district purposes, including accessing their nearby facilities and the SFPUC does not wish to continue owning and licensing property that it does not require for its operations; and

WHEREAS, As of February 25, 2021, a City-retained MAI appraiser, Clifford Advisory, LLC, valued the Property at \$33,000, and City's Director of Property approved the appraisal on May 26, 2021. As of December 20, 2021, Clifford Advisory, LLC, issued an Appraisal Update Report confirming that the value of Parcel 3 has not changed. On January 19, 2022, City's Director of Property approved the Appraisal Update Report; and

WHEREAS, Valley Water has agreed to purchase the Property for \$33,000 pursuant to the terms of the Agreement for Sale of Real Estate (Sale Agreement); and

WHEREAS, The City, through the SFPUC, will sell the Property to Valley Water on an “as is-where is basis;” and

WHEREAS, This sale of surplus property by the SFPUC does not constitute a project under California Environmental Quality Act (CEQA) Guidelines Section 15378 because there would be no physical change in the environment.; now, therefore, be it

RESOLVED, That this Commission hereby declares the Property surplus to the SFPUC’s utility needs in accordance with Section 8B.121(e) of the City Charter; and, be it

FURTHER RESOLVED, That this Commission finds, in consideration of the foregoing, that the Property is “surplus land”, as defined in California Government Code Section 54221(b) because it is owned in fee simple by City and not necessary for City’s use; and, be it

FURTHER RESOLVED, That this Commission finds, in consideration of the foregoing, that the Property is “exempt surplus land” as defined in Government Code Section 54221(f)(1)(D) because it is surplus land that City is transferring to another local agency for that local agency’s use; and, be it

FURTHER RESOLVED, That this Commission asks the Board of Supervisors to determine, in accordance with Section 23.3 of the Administrative Code, that a competitive bidding process is impractical and otherwise not in the public interest because the sale of the Property to Valley Water will avoid the expense, time, effort, and risk of eminent domain litigation where Valley Water intends to continue use of Parcel 3 for Valley Water’s district purposes, including accessing their nearby facilities and the SFPUC does not wish to continue owning and licensing property that it does not require for its operations; and, be it

FURTHER RESOLVED, That this Commission hereby approves the terms and conditions of the Sale Agreement; and, be it

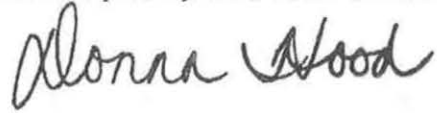
FURTHER RESOLVED, That this Commission hereby authorizes the SFPUC General Manager to execute the Sale Agreement upon approval from the Board of Supervisors and Mayor; and, be it

FURTHER RESOLVED, That this Commission hereby ratifies, approves, and authorizes all actions heretofore taken by any City official in connection with the Sale Agreement; and, be it

FURTHER RESOLVED, That, upon approval by City’s Board of Supervisors and the Mayor, this Commission authorizes and directs City’s Director of Property to execute the quitclaim deed to Valley Water; and be it

FURTHER RESOLVED, That this Commission hereby authorizes the City’s Director of Property and/or the SFPUC General Manager to enter into any amendments or modifications to the Sale Agreement, including without limitation, the exhibits, that City’s Director of Property and/or the General Manager determines, in consultation with the City Attorney, are in the best interests of City; do not materially increase the obligations or liabilities of City; are necessary or advisable to effectuate the purposes and intent of the Sale Agreement or this resolution; and are in compliance with all applicable laws, including the City Charter.

*I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of April 12, 2022.*

A handwritten signature in black ink that reads "Alonna Wood". The signature is written in a cursive, flowing style.

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*Secretary, Public Utilities Commission*

