

1 [Purchase Agreement - Two Permanent Access Road Easements and Two Temporary
2 Construction Easements - San Joaquin County - \$83,900

3
4 **Resolution approving and authorizing an agreement for the purchase of a two**
5 **permanent access road easements and two temporary construction easements over,**
6 **on and in portions of Assessor's Parcel Numbers 253-270-17, 19, 21, 24 and 25**
7 **located in San Joaquin County, required for the San Joaquin Pipeline System Project**
8 **No. CUW37301 (the Project) for a purchase price of \$83,900; adopting findings under**
9 **the California Environmental Quality Act (CEQA); adopting findings that the**
10 **conveyance is consistent with the City's General Plan and Eight Priority Policies of**
11 **City Planning Code Section 101.1; and authorizing the Director of Property to**
12 **execute documents, make certain modifications and take certain actions in**
13 **furtherance of this resolution.**

14
15 WHEREAS, The San Francisco Public Utilities Commission (SFPUC) has developed
16 a project known as the San Joaquin Pipeline System Project, (also commonly referred to as
17 the SJPL System Project, Project No.CUW37301, and herein as the "Project"), a water
18 infrastructure project included as part of the Water System Improvement Program (WSIP).
19 The Project is located in Tuolumne, Stanislaus, and San Joaquin Counties, beginning at
20 the Oakdale Portal in Tuolumne County, and ending at the Tesla Portal in San Joaquin
21 County. The Project includes, among other related features, the construction of two new
22 facility crossovers (Emery and Pelican), two new throttling stations (MP 50.57 Northeast of
23 Willms Road and MP 55.32), Oakdale Portal improvements including a new valve house,
24 upgrading the discharge valves at Cashman Creek and a new discharge valve at the
25 California Aqueduct, construction of a fourth pipeline segment (Eastern Segment

1 approximately 6.5 miles from Oakdale Portal (MP 49.84) to near Fogarty Road (MP 56.50)
2 and a tie-in vault), construction of a fourth pipeline segment (Western Segment
3 approximately 11 miles from west of the San Joaquin River to Tesla Portal), a new truss
4 bridge aerial structure to carry SJPL No. 4 over the California Aqueduct, and a discharge
5 structure at the Pelican Crossover involving intermittent drainage to the San Joaquin River,
6 and discharge of water to U.S. Fish and Wildlife Service San Joaquin River National
7 Wildlife Refuge, to irrigate a managed wetland area; and

8 WHEREAS, the objectives of the Project are to improve delivery reliability and
9 provide operational flexibility during maintenance activities or unplanned outages, as well
10 as to replenish local reservoirs after such events; and

11 WHEREAS, The Project is an improvement facility project approved by the SFPUC as
12 part of the Water System Improvement Program ("WSIP"); and

13 WHEREAS, A Final Program Environmental Impact Report ("PEIR") was prepared for
14 the WSIP and certified by the Planning Commission on October 30, 2008 by Motion No.
15 17734; and

16 WHEREAS, Thereafter the SFPUC approved the WSIP and adopted findings and a
17 Mitigation Monitoring and Reporting Program as required by the California Environmental
18 Quality Act ("CEQA") on October 30, 2008 by Resolution No. 08-0200; and

19 WHEREAS, an environmental impact report ("EIR") as required by CEQA was
20 prepared for the Project in Planning Department File No. 2007.01 18E; and

21 WHEREAS, The Final EIR ("FEIR") for the Project was certified by the San
22 Francisco Planning Commission on July 9, 2009 by Motion No. 17917; and

23 WHEREAS, The FEIR prepared for the Project is tiered from the PEIR, as
24 authorized by and in accordance with CEQA and the CEQA Guidelines; and

25

1 WHEREAS, On July 14, 2009, the San Francisco Public Utilities Commission
2 (SFPUC), by Resolution No. 09-0119, a copy of which is included in Board of Supervisors
3 File No. 090980 and which is incorporated herein by this reference: (1) approved the
4 Project; (2) adopted findings (CEQA Findings), including the statement of overriding
5 considerations, and a Mitigation Monitoring and Reporting Program ("MMRP") required by
6 CEQA; and (3) authorized the General Manager to seek the Board of Supervisors' approval
7 of and, if approved, to execute certain necessary agreements and deeds, which the
8 SFPUC staff will pursue and submit to the Board of Supervisors at a later date; and

9 WHEREAS, The Project files, including the FEIR, PEIR and SFPUC Resolution No.
10 09-0119 have been made available for review by the Board and the public, and those files
11 are considered part of the record before this Board; and

12 WHEREAS, The Board of Supervisors has reviewed and considered the information
13 and findings contained in the FEIR, PEIR and SFPUC Resolution No. 09-0119, and all
14 written and oral information provided by the Planning Department, the public, relevant
15 public agencies, SFPUC and other experts and the administrative files for the Project; and

16 WHEREAS, This Board, by Resolution No. 369-09 adopted on September 22, 2009,
17 a copy of which is on file with the Clerk of the Board of Supervisors in File No. 090980 and
18 which is incorporated herein by this reference and considered part of the record before this
19 Board, adopted findings under CEQA related to the Project, including the statement of
20 overriding considerations and the MMRP; and

21 WHEREAS, A copy of the proposed Agreement For Purchase and Sale of Real
22 Estate (the "Purchase Agreement") between the City, as buyer, and Tracy Golf and Country
23 Club, Inc., as Seller, is on file with the Clerk of the Board of Supervisors under File No.
24 _____, which is incorporated herein by this reference and is considered part of the
25 record before this Board; and,

1 WHEREAS, The Director of Property has determined, based on an independent
2 appraisal, that the purchase price reflects the fair market value of the permanent access
3 road easements and temporary construction easements; and,

4 WHEREAS, SFPUC will hold \$25,000 in a reserve fund in accordance with the
5 Purchase Agreement, as security for the removal of the Transite Pipe entirely from City
6 property; and,

7 WHEREAS, The Director of Planning, by letter dated June 29, 2009, as amended by
8 letter dated May 24, 2011, found that the purchase of all the necessary property rights for the
9 Project, is consistent with the City's General Plan and with the Eight Priority Policies of City
10 Planning Code Section 101.1, which letters are on file with the Clerk of the Board of
11 Supervisors under File No. _____, and which letters are incorporated herein by this
12 reference; now, therefore, be it

13 RESOLVED, The Board has reviewed and considered the FEIR and record as a whole,
14 finds that the FEIR is adequate for its use as the decision making body for the action taken
15 herein and hereby incorporates by reference the CEQA findings contained in Resolution No.
16 369-09; and be it

17 FURTHER RESOLVED, The Board finds that the Project mitigation measures adopted
18 by the SFPUC will be implemented as reflected in and in accordance with the MMRP; and be
19 it

20 FURTHER RESOLVED, The Board finds that since the FEIR was finalized, there
21 have been no substantial project changes and no substantial changes in the Project
22 circumstances that would require major revisions to the FEIR due to the involvement of
23 new significant environmental effects or an increase in the severity of previously identified
24 significant impacts, and there is no new information of substantial importance that would
25 change the conclusions set forth in the FEIR; and, be it

1 FURTHER RESOLVED, That the Board of Supervisors of the City and County of
2 San Francisco hereby finds that the Purchase Agreement is consistent with the General
3 Plan and with the Eight Priority Policies of city planning Code Section 101.1 for the same
4 reasons as set forth in the letter of the Director of Planning dated June 29, 2009, as
5 amended by letter dated May 24, 2011, and hereby incorporates such findings by
6 references as though fully set forth in this resolution; and, be it

7 FURTHER RESOLVED, That in accordance with the recommendations of the Public
8 Utilities Commission and the Director of Property, the Board of Supervisors hereby
9 approves the Purchase Agreement and the transaction contemplated thereby in
10 substantially the form of such agreement presented to this Board; and, be it

11 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
12 Property to enter into any additions, amendments or other modifications to the Purchase
13 Agreement (including, without limitation, the attached exhibits) that the Director of Property
14 determines are in the best interest of the City, that do not increase the purchase price for
15 the easements or otherwise materially increase the obligations or liabilities of the City, and
16 are necessary or advisable to complete the transaction contemplated in the Purchase
17 Agreement and effectuate the purpose and intent of this resolution, such determination to
18 be conclusively evidenced by the execution and delivery by the Director of Property of the
19 Purchase Agreement and any amendments thereto; and, be it

20 FURTHER RESOLVED, That the Director of Property is hereby authorized and
21 urged, in the name and on behalf of the City and County, to accept the deeds to the
22 easements from the Seller upon the closing in accordance with the terms and conditions of
23 the Purchase Agreement, and to take any and all steps (including, but not limited to, the
24 execution and delivery of any and all certificates, agreements, notices, consents, escrow
25 instructions, closing documents and other instruments or documents) as the Director of

1 Property deems necessary or appropriate in order to consummate the conveyance of the
2 easements pursuant to the Purchase Agreement, or to otherwise effectuate the purpose
3 and intent of this resolution, such determination to be conclusively evidenced by the
4 execution and delivery by the Director of Property of any such documents; and, be it

5 FURTHER RESOLVED, All actions heretofore taken by the Director of Property with
6 respect to the matters addressed in this Resolution are hereby approved, confirmed and
7 ratified.

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9 RECOMMENDED:

Funds Available:

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11 _____
John Updike
Acting Director of Property

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13 _____
Controller

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Appropriation: Index Code 737312

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