

1 [Public Utilities Commission Land Exchange]

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3 Resolution approving an exchange of pipeline easement land with Hayward-Oliver  
4 Owners, LLC related to property located in the City of Hayward, County of Alameda,  
5 State of California, and authorizing the quitclaim of the interest of the City and County  
6 of San Francisco in a strip of land 20 feet wide located along the westerly side of an  
7 existing easement area, in exchange for a grant of easement rights in a similar strip of  
8 land 20 feet wide located along the easterly side of the existing easement area plus  
9 certain additional surface use rights to City, and adopting findings pursuant to City  
10 Planning Code Section 101.1.

11

12 WHEREAS, Hayward-Oliver Owners, LLC, a Delaware limited liability company, as  
13 successor to the Gordon E. Oliver Trust of May 22, 1982 and the Alden Oliver Trust of  
14 December 9, 1982 (the "Grantor") owns that certain approximately 123.2-acre parcel of real  
15 property located in the City of Hayward, County of Alameda, State of California (the  
16 "Hayward-Oliver Property"); and,

17 WHEREAS, The City and County of San Francisco (the "City") owns an easement  
18 interest for water pipeline and utility purposes ("Existing Easement") over an approximately  
19 52.2-foot wide portion of the Hayward-Oliver Property (the "Existing Easement Area"),  
20 pursuant to that certain Indenture dated January 30, 1931, and recorded in the Official  
21 Records of Alameda County on January 30, 1931, in Book 2541, at Page 149, a copy of  
22 which Indenture is on file with the Clerk of the Board of Supervisors in File. No. 011669 ,  
23 which is hereby declared to be a part of this resolution as if set forth fully herein (as amended  
24 or modified, the "Easement Agreement"); and,

25

1           WHEREAS, The City is holding the Existing Easement for future placement of water  
2 pipeline(s) or utilities, and the Existing Easement Area is presently unutilized; and,

3           WHEREAS, Pursuant to the terms and conditions of an Easement Modification  
4 Agreement (the "Agreement"), in substantially the form on file with the Clerk of the Board of  
5 Supervisors in File No. 011669, which is hereby declared to be a part of this resolution as  
6 if set forth fully herein, the Grantor has requested that the Easement Agreement be amended  
7 to quitclaim the City's interest in a strip of land 20 feet wide located along the westerly side of  
8 the Existing Easement Area (the "Released Easement Area"), in exchange for Grantor  
9 granting to the City (a) similar easement rights over a strip of land 20 feet wide located along  
10 the easterly side of the Existing Easement Area (the "Additional Easement Area") and (b) the  
11 right of surface use for a future pumping station on a specified portion of the Existing  
12 Easement Area, as modified; and,

13           WHEREAS, The Existing Easement Area, as amended to omit the Released  
14 Easement Area and include the Additional Easement Area, shall be referred to herein as the  
15 "Modified Easement Area"; and

16           WHEREAS, The San Francisco Public Utilities Commission ("PUC") has determined  
17 that the proposed transaction contemplated by the Agreement will not adversely affect any  
18 future installation of water pipelines and will benefit the PUC by securing additional property  
19 rights for a future pumping station; and,

20           WHEREAS, The PUC and the Department of City Planning have determined that the  
21 proposed transaction contemplated in the proposed Agreement is Categorically Exempt from  
22 Environmental Review pursuant to the California Environmental Quality Act; and,

23           WHEREAS, By letter dated August 29, 2001, a copy of which is on file with the  
24 Clerk of the Board of Supervisors in File No. 011669, which is hereby declared to be  
25 a part of this resolution as if set forth fully herein, the Department of City Planning reported

1 its findings that the proposed Agreement is in conformity with City's General Plan and  
2 consistent with the Eight Priority Policies of City Planning Code Section 101.1; and

3 WHEREAS, The Director of Property has determined that there will be no  
4 diminishment in value of the Existing Easement, as amended, and no increase in the value of  
5 the adjoining land as a result of this Exchange, and the Director of Property recommends that  
6 the Board of Supervisors approve the Agreement and the transaction contemplated therein;  
7 now, therefore, be it

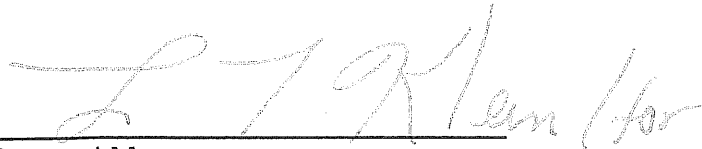
8 RESOLVED, That the Board of Supervisors in accordance with the recommendations  
9 of the PUC and the Director of Property hereby approves, and authorizes the General  
10 Manager of the PUC and the Director of Property to execute, the Agreement and any other  
11 documents deemed necessary to consummate the transaction contemplated therein; and, be  
12 it

13 FURTHER RESOLVED, That the Board of Supervisors adopt as its own and  
14 incorporates by reference herein, as though fully set forth, the findings made by the  
15 Department of City Planning that the modification of easement is in conformity with the  
16 General Plan and consistent with the Eight Priority Policies of City Planning Code Section  
17 101.1; and, be it

18 FURTHER RESOLVED, That the Board authorizes the General Manager of the PUC  
19 and the Director of Property to enter into modifications to the Agreement (including, without  
20 limitation the attachment or modification of exhibits) that are in the best interest of the City, do  
21 not materially change the terms of the Agreement, and are necessary and advisable to  
22 effectuate the purpose and intent of this Resolution; and, be it

1           FURTHER RESOLVED, That all actions authorized by this resolution and heretofore  
2 taken by any City official in connection with the subject matter hereof are hereby ratified,  
3 confirmed and approved by this Board of Supervisors.  
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6 RECOMMENDED:

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8 \_\_\_\_\_  
9 General Manager  
10 Public Utilities Commission

11 Pursuant to Resolution No. 00-0175  
12 Adopted July 16, 2000

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14 \_\_\_\_\_  
15 Director of Property  
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# City and County of San Francisco

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

## Tails

## Resolution

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**File Number:** 011669

**Date Passed:**

Resolution approving an exchange of pipeline easement land with Hayward-Oliver Owners, LLC related to property located in the City of Hayward, County of Alameda, State of California, and authorizing the quitclaim of the interest of the City and County of San Francisco in a strip of land 20 feet wide located along the westerly side of an existing easement area, in exchange for a grant of easement rights in a similar strip of land 20 feet wide located along the easterly side of the existing easement area plus certain additional surface use rights to City, and adopting findings pursuant to City Planning Code Section 101.1.

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October 15, 2001 Board of Supervisors — ADOPTED

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,  
Newsom, Peskin, Sandoval, Yee

File No. 011669

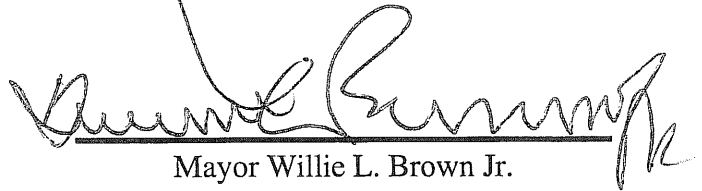
I hereby certify that the foregoing Resolution was ADOPTED on October 15, 2001 by the Board of Supervisors of the City and County of San Francisco.



for Gloria L. Young  
Clerk of the Board

OCT 26 2001

Date Approved

  
Mayor Willie L. Brown Jr.