

1 [Purchase real property.]

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3 **Resolution approving and authorizing the purchase of certain real property; adopting**
4 **findings pursuant to the California Environmental Quality Act; adopting findings that**
5 **the conveyance is consistent with the City's general plan and eight priority policies of**
6 **City Planning Code Section 101.1; and authorizing the Director of Property to execute**
7 **documents and take certain actions in furtherance of this resolution.**

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9 WHEREAS, The San Francisco League of Urban Gardeners ("SLUG") owns that
10 certain real property parcel located at 438 Page Street and described generally as Assessor's
11 Block 841, Lot 29 (hereinafter referred to as the "Property"), which Property consists of
12 approximately 3,297 square feet and is used as a community garden; and,

13 WHEREAS, SLUG has determined to sell the Property, and the Board of Supervisors
14 (the "Board") in Resolution No. 683-02 urged the Recreation and Park Department (the
15 "Department") of the City and County of San Francisco ("City") to investigate acquisition of the
16 Property in order to preserve it as open space and to continue its use as a community garden;
17 and,

18 WHEREAS, The City's Acting Director of Property (the "Director") obtained an
19 independent appraisal of the Property in April 2003, which determined that the fair market
20 value of the Property is \$675,000 (the "Property Value"); and,

21 WHEREAS, On July 17, 2003, the Recreation and Park Commission (the
22 "Commission") adopted Resolution No. 0307-019, a copy of which is on file with the Clerk of
23 the Board of Supervisors in File No. _____, endorsing the use of Open Space Funds to
24 acquire the Property (the "Acquisition") and urging the Board to approve the Acquisition; and,

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1 WHEREAS, The proposed Acquisition is exempt from the California Subdivision Map
2 Act, California Government Code Sections 66410 et seq., because in this instance public
3 policy does not necessitate a parcel map in accordance with Section 66428(a)(2); and,

4 WHEREAS, In a letter dated August 15, 2003, a copy of which is on file with the Clerk
5 of the Board of Supervisors in File No. _____, the Acting Director of City Planning found
6 that the Acquisition is consistent with the City's General Plan and with the Eight Priority
7 Policies of City Planning Code Section 101.1, and pursuant to the California Environmental
8 Quality Act ("CEQA"), State CEQA Guidelines and Chapter 31 of the San Francisco
9 Administrative Code, the Director of City Planning also found that the Acquisition is
10 categorically exempt from CEQA; now, therefore be it

11 RESOLVED, That in accordance with Recreation and Park Commission Resolution
12 No. 0307-019 and the recommendation of the Acting Director of Property, the Board of
13 Supervisors hereby approves the Acquisition at a price not to exceed the Property Value and
14 authorizes and urges the Director of Property to execute the necessary purchase agreement,
15 in the name and on behalf of the City, containing terms and conditions consistent with the
16 City's standard purchase agreement and approved by the Department's General Manager
17 and approved as to form by the City Attorney; and, be it

18 FURTHER RESOLVED, That the Acting Director of Property is hereby authorized and
19 urged, in the name and on behalf of the City and County, to take any and all steps (including,
20 but not limited to, the execution and delivery of any and all certificates, agreements, notices,
21 consents, escrow instructions, closing documents and other instruments or documents) as the
22 Director and City Attorney deem necessary or appropriate in order to consummate the
23 Acquisition, or to otherwise effectuate the purpose and intent of this resolution, such
24 determination to be conclusively evidenced by the execution and delivery by the Acting
25 Director of Property of any such documents; and, be it

1 FURTHER RESOLVED, That the Property shall be placed under the jurisdiction of the
2 Recreation and Park Commission; and be it

3 FURTHER RESOLVED, That the Board of Supervisors finds, based on the record
4 before it and in its independent judgment, that the action proposed in this legislation is
5 categorically exempt from CEQA for the reasons set forth in the CEQA findings of the Acting
6 Director of City Planning set forth above and adopts as its own and incorporates by reference
7 herein, as though fully set forth, said findings; and, be it

8 FURTHER RESOLVED, That the Board of Supervisors adopts as its own and
9 incorporates by reference herein, as though fully set forth, the findings in the Acting Director of
10 City Planning's letter referred to above, that the Acquisition is in conformity with the General
11 Plan and consistent with the Eight Priority Policies of Planning Code Section 101.1.

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13 RECOMMENDED:

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KENNETH E. WINTERS
Acting Director of Property

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18 FUNDS AVAILABLE:

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EDWARD M. HARRINGTON
Controller

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