

1 [Real Property Acquisition - Easement - Katy O. Cheng - Lower Alemany Area Stormwater
2 Improvements - Not to Exceed \$2,500]

3 **Resolution approving and authorizing the terms and conditions and authorizing the**
4 **General Manager of the San Francisco Public Utilities Commission and/or the Director**
5 **of Property to execute a Purchase and Sale Agreement and Easement Deed with Katy**
6 **O. Cheng, for the acquisition of a 9.2-square-foot easement for a subsurface sewer**
7 **tunnel under and across a portion of Assessor's Parcel Block No. 5861 Lot No. 023,**
8 **known as 491 Gaven Street, San Francisco, for a total amount not to exceed \$2,500 and**
9 **effective on the date the Purchase and Sale Agreement is executed by both parties,**
10 **pursuant to Charter, Section 9.118;; adopting findings that the conveyance is**
11 **consistent with the General Plan, and the eight priority policies of Planning Code,**
12 **Section 101.1; and adopting a finding that the Purchase and Sale Agreement furthers a**
13 **proper public purpose sufficient to meet Administrative Code, Section 23.30, market**
14 **value requirements.**

15
16 WHEREAS, The San Francisco Public Utilities Commission (SFPUC) seeks to improve
17 collection system capacity and increase flood resilience during wet weather events within the
18 Lower Alemany area in San Francisco as a part of Project No. 10034360, Lower Alemany
19 Area Stormwater Improvements (Project); and

20 WHEREAS, The Project includes the installation of a 10-foot internal diameter tunnel,
21 to be designated as the Alemany Auxiliary Sewer; and

22 WHEREAS, The tunnel would be installed along Alemany Boulevard and Gaven
23 Street, south of I-280, and along Boutwell Street northeast of the I-280 and US-101
24 interchange; and

1 WHEREAS, The Alemany Auxiliary Sewer would consist of an approximately 1.4-mile-
2 long sewer line connecting to the existing Alemany Sewer, the Industrial Sewer, and the Islais
3 Creek Transport/Storage Box; and

4 WHEREAS, The proposed Alemany Auxiliary Sewer tunnel alignment crosses under
5 the driveways of three private residential properties at the western terminus of Gaven Street,
6 across property owned by Katy O. Cheng (Property Owner), located at 491 Gaven Street, San
7 Francisco, designated as a portion of San Francisco Assessor's Parcel Block No. 5861 Lot
8 No. 023 (Property); and

9 WHEREAS, The Project requires that the City and County of San Francisco (City)
10 acquire an approximately 9.2-square-foot easement (the Easement) for the subsurface
11 Alemany Auxiliary Sewer tunnel across the Property; and

12 WHEREAS, SFPUC staff, through consultation with the Office of the City Attorney,
13 made an offer to Property Owner to purchase the Easement for a purchase price of \$2,500
14 plus payment of escrow and recording fees and title insurance costs, as set forth in the
15 attached form of an Agreement for Purchase and Sale of Real Estate (Agreement) and
16 Easement Deed to convey the Easement (Easement Deed); and

17 WHEREAS, Property Owner accepted the City's offer to purchase the Easement and
18 signed the Agreement; and

19 WHEREAS, On December 9, 2025, by SFPUC Resolution No. 25-0173, the SFPUC
20 Commission approved and authorized the terms and conditions of the Agreement and
21 authorized the General Manager of the SFPUC and/or the Director of Property to execute the
22 Agreement and Easement Deed with Property Owner, subject to the approval of the Board of
23 Supervisors; and

24 WHEREAS, The Purchase and Sale Agreement is effective on the date on which it is
25 executed by both parties; and

1 WHEREAS, the proposed purchase price payable under the Agreement exceeds the
2 appraised value of the Easement, as determined by an independent MAI appraiser, and
3 therefore requires a Board of Supervisors finding that the Agreement furthers a proper public
4 purpose sufficient to meet the requirements of Administrative Code, Section 23.30, market
5 value requirements; and

6 WHEREAS, On September 24, 2025, through Case No. 2023-000654GPR (General
7 Plan Findings), the San Francisco Planning Department found that the proposed purchase of
8 the Easement is consistent with the General Plan, and the eight priority policies of Planning
9 Code, Section 101.1; and

10 WHEREAS, On March 25, 2025, the San Francisco Planning Department determined
11 the Project to be categorically exempt under 1) the California Environmental Quality Act
12 (CEQA) Guidelines section 15301, 2) Class 1 (Existing Facilities) and 3) section 15303, Class
13 3 (New Construction or Conversion of Small Structures) under Case No. 2023-000654ENV
14 (collectively, CEQA Findings); and

15 WHEREAS, The Board of Supervisors has reviewed and considered the General Plan
16 Findings and CEQA Findings; now, therefore be it

17 RESOLVED, That the Board of Supervisors hereby adopts the General Plan Findings
18 and CEQA Findings concerning the purchase of the Easement; and, be it

19 FURTHER RESOLVED, That this Board of Supervisors hereby approves the terms and
20 conditions and authorizes the General Manager of the SFPUC and/or the Director of Property
21 to execute the Agreement and Easement Deed with Katy O. Cheng, for the acquisition of the
22 Easement, for a total amount not to exceed \$2,500 pursuant to Charter, Section 9.118; and,
23 be it

1 FURTHER RESOLVED, That the Board of Supervisors confirms that the negotiated
2 price for the Easement furthers a proper public purpose sufficient to meet the requirements of
3 Administrative Code, Section 23.30, market value requirements; and, be it

4 FURTHER RESOLVED, That the Board of Supervisors ratifies the Agreement and
5 authorizes the General Manager of the SFPUC and/or the Director of Property to enter into
6 any additions, amendments, or other modifications to the Agreement (including, without
7 limitation, the attached exhibits) that the General Manager of the SFPUC and/or the Director
8 of Property determine are in the best interest of City, do not materially increase the obligations
9 or liabilities of City, and are necessary or advisable to complete the transaction contemplated
10 in the Agreement and effectuate the purpose and intent of this resolution, such determination
11 to be conclusively evidenced by the execution and delivery of the General Manager of the
12 SFPUC and/or Director of Property of the Agreement and any amendments thereto; and, be it

13 FURTHER RESOLVED, That within thirty (30) days of the Agreement being fully
14 executed by all parties, the General Manager of the SFPUC shall provide the final Agreement
15 to the Clerk of the Board for inclusion in the official file.