

1 [Real Estate Sale Agreement - Bayview McKinnon LLC - APN 8855A, Lot No. 004 -
2 \$375,000]

3 **Resolution approving an agreement for the sale of a 5,449 square foot vacant lot of City**
4 **property Assessor’s Parcel Block No. 5588A (APN), Lot No. 004, to the adjacent**
5 **property owner, Bayview McKinnon LLC for \$375,000; finding City’s property to be**
6 **exempt surplus land under California Government Code, Sections 54221(f)(1)(B),**
7 **54221(f)(1)(E), and 54221(f)(2); and to authorize the Director of Property to enter into**
8 **amendments or modifications to the agreement that do not materially increase the**
9 **obligations or liabilities to the City and are necessary to effectuate the purposes of the**
10 **agreement or this Resolution.**

11
12 WHEREAS, The City and County of San Francisco (“City”) owns an unimproved 5,449
13 square foot lot of real property known as Assessor’s Parcel Block No. 5588A, Lot No. 004,
14 located on McKinnon Street in the City’s Bayview District (the “Property”); and

15 WHEREAS, The Property is a vacant, curving narrow strip of former railroad right of
16 way, located between Newcomb Avenue and McKinnon Avenue northerly of Toland Street;
17 the Property is not capable of independent development, comprises less than one-half acre
18 and is not contiguous to land owned by a state or local agency that is used for open space or
19 low or moderate income housing purposes; and

20 WHEREAS, The City received an unsolicited offer to purchase the Property from an
21 adjacent property owner, Bayview McKinnon LLC; and

22 WHEREAS, The fair market value of the Property was appraised at \$375,000 and the
23 appraisal was confirmed in accordance with San Francisco Administrative Code, Section 23.3;
24 and

1 WHEREAS, The City and Bayview McKinnon LLC have negotiated an agreement for
2 the sale of the Property for \$375,000 (the " Agreement"), a copy of which is on file with the
3 Clerk of the Board of Supervisors; and

4 WHEREAS, The Director of Property has determined that it is in the best interests of
5 the City to enter into the Agreement; and

6 WHEREAS, Before the City may dispose of the Property, the Surplus Land Act
7 (California Government Code, Sections ("GC") 54220 et seq.) requires the Board of
8 Supervisors to declare the Property exempt surplus land, as supported by written findings;
9 now, therefore, be it

10 RESOLVED, That the Board of Supervisors finds that (i) the public interest or necessity
11 demands, or will not be inconvenienced by the conveyance of the Property, and (ii)
12 competitive bidding is impractical given that the Property is incapable of independent
13 development due to its size, configuration, and location; and, be it

14 FURTHER RESOLVED, That the Board of Supervisors declares that the Property is
15 "exempt surplus land" under GC 54221(f)(1)(B), and 54221(f)(1)(E); and, be it

16 FURTHER RESOLVED, That the Property does not meet any of the
17 characteristics listed in GC 54221 (f)(2), because it is not (a) within a coastal zone; (b)
18 adjacent to a historical unit of the State Parks System; (c) listed on, or determined by
19 the State Office of Historic Preservation to be eligible for, the National Register of
20 Historic Places; or, (d) within the Lake Tahoe region as defined in GC 66905; and, be it

21 FURTHER RESOLVED, In accordance with the recommendation of the Director of
22 Property, the Board of Supervisors approves the Agreement in substantially the form
23 presented to the Board, and authorizes the Director of Property to convey the Property upon
24 the closing in accordance with the terms and conditions of the Agreement, and to take any
25 and all actions (including, but not limited to, the execution and delivery of any and all

1 certificates, agreements notices, consents, escrow instructions, closing documents and other
2 instruments or documents) as the Director of Property, after consultation with the City
3 Attorney, deems necessary or appropriate in order to convey the Property pursuant to the
4 Agreement, or to otherwise effectuate the purpose and intent of this Resolution, such
5 determination to be conclusively evidenced by the execution and delivery by the Director of
6 Property of any such documents; and, be it

7 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
8 Property to enter into any additions, amendments or other modifications to the documents
9 (including, without limitation, the attached exhibits) that the Director of Property determines, in
10 consultation with the City Attorney, are in the best interests of the City, do not materially
11 increase the obligations or liabilities of the City, do not materially reduce the benefits to the
12 City, and are necessary or advisable to complete the property conveyance, such
13 determination to be conclusively evidenced by the execution and delivery by the Director of
14 Property of the documents and any amendments thereto; and, be it

15 FURTHER RESOLVED, That all actions heretofore taken by the officers of the City
16 with respect to the Agreement are hereby approved, confirmed and ratified; and, be it

17 FURTHER RESOLVED, That within thirty (30) days of the Agreement being fully-
18 executed by all parties, the Director of Property shall provide a copy of the Agreement to the
19 Clerk of the Board for inclusion into the official file.

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RECOMMENDED:

REAL ESTATE DIVISION

/s/ _____

Andrico Q. Penick

Director of Property