

1 [Exchange and Conveyance of Real Estate - Folsom and Essex Streets Intersection]

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3 **Resolution 1) approving the exchange of a portion of City property located near the**
4 **intersection of Folsom Street and Essex Street with a portion of abutting real property**
5 **owned by 515 Folsom Street LLC; 2) adopting environmental findings and other**
6 **findings that the actions set forth in this Resolution are consistent with the City's**
7 **General Plan and Eight Priority Policies of City Planning Code Section 101.1; and 3)**
8 **authorizing other actions in furtherance of this Resolution.**

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10 WHEREAS, Under a Cooperative Agreement by and among the State of California
11 (State), the City and County of San Francisco (City), and the Transbay Joint Powers Authority
12 (Authority) dated July 11, 2003, the State transferred real property located near the
13 intersection of Folsom Street and Essex Street and commonly known as APN Lot 64 Block
14 3749 (Parcel B) to the City to facilitate the development of the Transbay Terminal project; and,

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16 WHEREAS, The Redevelopment Agency of the City and County of San Francisco
17 (Agency) has an option to acquire Parcel B from the City under an Option Agreement for the
18 Purchase and Sale of Real Property by and among the City, the Authority, and the Agency,
19 dated as of January 31, 2008; and,

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21 WHEREAS, 515 Folsom Street LLC (LLC) owns real property that abuts Parcel B and
22 is commonly known as APN Lot 53 Block 3749 (LLC Property); and,

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24 WHEREAS, The LLC wishes to exchange (Exchange) a portion of the LLC Property
25 comprised of approximately 746 square feet (LLC Portion) with a portion of Parcel B
comprised of approximately 2,278 square feet (City Portion); and,

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27 WHEREAS, Based on an independent appraisal, the Director of Property has
28 determined that the fair market value of the City Portion is \$152,000 and the fair market
29 value of the LLC Portion is \$82,363; and,

1 WHEREAS, The City proposes to convey the City Portion to the LLC in exchange for
2 the LLC Portion and \$69,637 (Additional Fee) on the terms and conditions substantially as
3 shown in the Agreement for the Exchange and Conveyance of Real Estate between the
4 City and the LLC, dated for reference purposes only as of June 21, 2011 (Exchange
5 Agreement), a copy of which is on file with the Clerk of the Board of Supervisors under File
6 No. 110724 and incorporated herein by reference; and,

7 WHEREAS, The LLC has submitted an application to cause the City Portion and the
8 portion of the LLC Property that will remain after the Exchange to be a separate legal parcel;
9 and,

10 WHEREAS, The Agency has requested that the City effect the Exchange and obtain
11 the materials required to apply for a lot line adjustment to cause a portion of Parcel B that
12 remains after the Exchange to be comprised of two legal parcels (Agency Lot Line
13 Application) before the City transfers Parcel B to Agency under the Option Agreement; and,

14 WHEREAS, The Exchange Agreement provides for a reduction of the Additional Fee
15 if the LLC timely prepares and submits all materials required for the Agency Lot Line
16 Application; and,

17 WHEREAS, By letter dated July 1, 2011, the City Planning Department found the
18 Exchange to be categorically exempt from environmental review and in conformance with
19 the City's General Plan, which letters are on file with Clerk of the Board of Supervisors
20 under File No. 110724 and incorporated herein by reference; now, therefore, be it

21 RESOLVED, That the Board of Supervisors hereby adopts as its own and
22 incorporates by reference herein, as though fully set forth, the findings of the Planning
23 Department that the Exchange is consistent with the Eight Priority Policies of City Planning
24 Code Section 101.1; and, be it

1 FURTHER RESOLVED, That in accordance with the recommendations of the
2 Director of Property, the Board of Supervisors hereby authorizes the Director of Property to
3 transfer the City Portion to the LLC in exchange for the LLC Portion and the Additional Fee,
4 to reduce the Additional Fee if LLC timely prepares and submits all materials required for
5 the Agency Lot Line Application, and to perform the other transactions contemplated in the
6 Exchange Agreement; and, be it

7 FURTHER RESOLVED, That the Mayor, the Clerk of the Board of Supervisors, and
8 the Director of Property are each authorized and directed to enter to take any and all
9 actions which such party, in consultation with the City Attorney, determines are in the best
10 interest of the City, do not materially increase the obligations of the City or materially
11 decrease the benefits to the City, are necessary or advisable to consummate the
12 performance of the purposes and intent of this Resolution, and comply with all applicable
13 laws, including the City's Charter, including any modifications or amendments to the
14 Exchange Agreement.

15 RECOMMENDED:
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18 John Updike
19 Acting Director of Property
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