

1 [Sale of Easement - Portion of San Francisco Public Utilities Commission Parcel 75
2 (Calaveras Road in Sunol, California) - Alameda County - \$2,457]

3 **Resolution approving and authorizing the sale to Alameda County for \$2,457 of an**
4 **easement on City and County of San Francisco property under the jurisdiction of the**
5 **San Francisco Public Utilities Commission (SFPUC) consisting of one approximately**
6 **5,484-square-foot road area and one approximately 22,548-square-foot slope area on**
7 **and above Calaveras Road in Sunol, California; adopting findings that the grant of the**
8 **easement is consistent with the General Plan, and the eight priority policies of**
9 **Planning Code, Section 101.1; adopting findings under Administrative Code, Section**
10 **23.3, that offering the easement for sale through competitive bidding would be**
11 **impractical; and authorizing the General Manager of the SFPUC or the Director of**
12 **Property to execute documents, make certain modifications, and take certain actions in**
13 **furtherance of this Resolution, as defined herein.**

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15 WHEREAS, The City and County of San Francisco (“City”) owns in fee certain real
16 property under the jurisdiction of the San Francisco Public Utilities Commission (“SFPUC”)
17 known as SFPUC Parcel No. 75 (“Parcel 75”) in Alameda County, California and which
18 includes Calaveras Road in Sunol, California; and

19 WHEREAS, Alameda County maintains a portion of Calaveras Road on Parcel 75
20 pursuant to an easement from the City’s predecessor-in-interest, Spring Valley Water
21 Company, dated November 16, 1921 (“1921 Easement”); and

22 WHEREAS, In 2011, the SFPUC began building a replacement dam and spillway
23 immediately downstream from the existing Calaveras Dam (“Project”) to protect public health
24 and safety and Calaveras Road is the main access road for the Project construction
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1 contractor (“Contractor”) to transport large equipment and materials to and from the Project
2 site; and

3 WHEREAS, On January 10, 2017, a landslide resulting from a natural storm event
4 occurred on the downslope edge of an approximately 100-foot section of Calaveras Road on
5 Parcel 75, making the road impassable to the Contractor and to the public; and

6 WHEREAS, On April 4, 2017, by Resolution No. 110-17, the Board of Supervisors
7 approved an SFPUC emergency declaration pursuant to Section 6.60 of the Administrative
8 Code authorizing the SFPUC to direct the Contractor to construct a bypass road upslope of
9 the landslide area (“New Road Alignment”) so that the Project could continue without further
10 delay; and

11 WHEREAS, To protect the New Road Alignment, the Contractor also stabilized the
12 slope above the New Road Alignment and installed slope monitoring equipment (“Stabilized
13 Slope”); and

14 WHEREAS, A new easement is required because the repairs moved the road further
15 into the hillside off of the 1921 Easement, requiring a grant of additional area for the New
16 Road Alignment and Stabilized Slope; and

17 WHEREAS, City desires to convey a new easement to Alameda County, that does not
18 overlap with the 1921 Easement, to transfer to Alameda County the maintenance and repair
19 obligation, risk, and liability associated with the Stabilized Slope and public use of the New
20 Road Alignment; and

21 WHEREAS, The proposed new easement covers 1) the New Road Alignment area,
22 consisting of approximately 5,484-square-feet on Calaveras Road, and 2) the Stabilized
23 Slope, consisting of approximately 22,548-square-feet above and adjacent to Calaveras Road
24 (“New Easement”); and

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1 WHEREAS, Alameda County has agreed to accept the New Road Alignment and
2 Stabilized Slope as-is, without warranties, and desires to acquire the New Easement; and

3 WHEREAS, The SFPUC's Bureau of Environmental Management, consistent with the
4 delegation agreement from the San Francisco Planning Department, determined that this
5 action does not constitute a "project" under California Environmental Quality Act Guidelines,
6 Section 15378 because there would be no physical change to the environment; and

7 WHEREAS, By letter dated July 23, 2018, the San Francisco Planning Department
8 found this action consistent with the General Plan, and eight priority policies of Planning
9 Code, Section 101.1 ("General Plan Findings"), a copy of which is on file with the Clerk of the
10 Board under File No. 180830, which is incorporated herein by this reference; and

11 WHEREAS, Under Administrative Code, Chapter 23.3, the Board may authorize sale of
12 the New Easement without advertisement, public auction, or competitive bidding process if it
13 determines that an advertisement, public auction, or competitive bidding process is
14 impractical, impossible, or is otherwise not in the public interest; and

15 WHEREAS, By Resolution No. 18-0129 adopted on July 24, 2018, a copy of which is
16 on file with the Clerk of the Board under File No. 180830, which is incorporated herein by this
17 reference, the SFPUC approved the proposed sale of the New Easement by authorizing the
18 SFPUC General Manager, subject to Board approval, to negotiate and execute a Purchase
19 and Sale Agreement ("Agreement") whereby Alameda County will purchase the New
20 Easement from the City, and City will agree to convey the New Easement to Alameda County
21 via an easement agreement in the form attached to the Agreement ("Easement Agreement");
22 and

23 WHEREAS, The SFPUC General Manager, in consultation with the Director of
24 Property and the Office of the City Attorney, has negotiated with Alameda County the
25 proposed terms of the Agreement and the Easement Agreement, on file with the Clerk of the

1 Board under File No. 180830, which is incorporated herein by this reference, and is
2 considered part of the record before this Board; and

3 WHEREAS, Pursuant to City Administrative Code, Chapter 23.3, an Appraisal is only
4 required when the Director of Property determines that the fair market value for real property
5 that City intends to acquire or convey exceeds \$10,000; and

6 WHEREAS, The Director of Property determined the fair market value of the New
7 Easement to be \$2,457; now, therefore, be it

8 RESOLVED, That the Board adopts as its own and incorporates by reference as
9 though fully set forth herein the General Plan Findings; and, be it

10 FURTHER RESOLVED, That the Board finds that offering the New Easement for sale
11 by competitive bidding is impractical because Alameda County has the power of eminent
12 domain over the property being conveyed, Alameda County is willing to pay fair market value
13 for the New Easement, and Alameda County is the only potential purchaser of the New
14 Easement for roadway and slope protection purposes; and, be it

15 FURTHER RESOLVED, That in accordance with the recommendations of the SFPUC
16 and the Director of Property, the Board hereby approves the Agreement and the transaction
17 contemplated thereby in substantially the form presented to the Board; and, be it

18 FURTHER RESOLVED, That the Board authorizes the Director of Property and/or the
19 SFPUC General Manager to enter into any additions, amendments, or other modifications to
20 the Agreement and Easement Agreement (including, without limitation, the attached exhibits)
21 that the Director of Property and/or the SFPUC General Manager determines are in the best
22 interest of the City, do not materially increase the obligations or liabilities of the City, and are
23 necessary or advisable to complete the transaction contemplated in the Agreement and
24 effectuate the purpose and intent of this Resolution, such determination to be conclusively
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1 evidenced by the execution and delivery by the Director of Property or the SFPUC General
2 Manager of the Agreement and any additions or amendments thereto; and, be it

3 FURTHER RESOLVED, That the Director of Property and/or the SFPUC General
4 Manager is hereby authorized and urged, in the name and on behalf of the City, to execute
5 the Agreement with Alameda County in accordance with the terms and conditions of the
6 Agreement, and to take all steps (including, but not limited to, the execution and delivery of all
7 certificates, agreements, notices, consents, escrow instructions, closing documents and other
8 instruments or documents) as the Director of Property and/or the SFPUC General Manager
9 deems necessary or appropriate pursuant to the Agreement, or to otherwise effectuate the
10 purpose and intent of this Resolution, such determination to be conclusively evidenced by the
11 execution and delivery by the Director of Property and/or the SFPUC General Manager.

12 FURTHER RESOLVED, That upon execution of the Agreement, the SFPUC shall
13 transmit to the Clerk of the Board a copy of the Agreement, for inclusion in File No. 180830.

1 RECOMMENDED:

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4 Director of Property
5 Real Estate Division

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7 RECOMMENDED:

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10 General Manager
11 San Francisco Public Utilities Commission

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