

1 [Agreement to sell real property related to the former Central Freeway parcels located on  
2 Elm Street near Gough Street.]

3 **Resolution approving and authorizing agreement for the sale by the City, at fair market**  
4 **value, of certain real property known generally as a portion of Lot 23, Assessor's**  
5 **Block 761 to the San Francisco Federal Credit Union; adopting findings pursuant to the**  
6 **California Environmental Quality Act; adopting findings that the conveyance is**  
7 **consistent with the City's general plan and eight priority policies of City Planning Code**  
8 **Section 101.1; and authorizing the Director of Property to execute documents and take**  
9 **certain actions in furtherance of this resolution.**

10  
11 WHEREAS, The City has acquired certain real property consisting of the area formerly  
12 occupied by the Central Freeway, including that parcel described generally as a portion of Lot  
13 23, Block 761, formerly a portion of Lot 28 ("Parcel B-1"), from the State of California,  
14 Department of Transportation (the "State"), pursuant to Section 72.1 of the California Streets  
15 and Highways Code and Board of Supervisors Resolution No. 469-00; and,

16 WHEREAS, Section 72.1 of the California Streets and Highways Code requires that the  
17 City use all proceeds from disposition of the former Central Freeway parcels acquired from  
18 the State to finance the City's replacement of the former Central Freeway with a ground-level  
19 boulevard along Octavia Street from Market to Fell Street, as described in that certain  
20 Cooperative Agreement between the City and the State, dated November 29, 2000 (the  
21 "Octavia Boulevard Project") and, upon full funding of the Octavia Boulevard Project, for  
22 transportation and related purposes authorized under Article XIX of the California Constitution;  
23 and,

1           WHEREAS, Parcel B-1 is a triangular shaped area consisting of approximately  
2 1,160 square feet and is of limited value in the development of the majority of Lot 23,  
3 Block 761 (Parcel B) and has little or no value to other third parties except to the adjacent  
4 property owner; and,

5           WHEREAS, Parcel B-1 has been appraised as having a fair market value of \$175,000  
6 (the "Purchase Price"), and the adjacent property owner, the San Francisco Federal Credit  
7 Union, a federally-chartered credit union (the "Credit Union"), has agreed to pay the Purchase  
8 Price for the parcel and to include 15% affordable housing in the event any housing is ever  
9 developed on the combined adjacent parcel and Parcel B-1, as described in the copy of the  
10 Agreement for Sale of Real Estate on file with the Clerk of the Board of Supervisors in File  
11 No. \_\_\_\_\_ (the "Sale Agreement"); and,

12           WHEREAS, The proposed conveyance of Parcel B-1 (the "Conveyance") is exempt  
13 from the California Subdivision Map Act, California Government Code Sections 66410 et seq.  
14 because in this instance public policy does not necessitate a parcel map in accordance with  
15 Section 66428(a)(2); and,

16           WHEREAS, In a letter dated September 14, 2004, a copy of which is on file with the  
17 Clerk of the Board of Supervisors in File No. \_\_\_\_\_, the Director of City Planning found  
18 that the Conveyance is consistent with the City's General Plan and with the Eight Priority  
19 Policies of City Planning Code Section 101.1, and that pursuant to the California  
20 Environmental Quality Act ("CEQA"), State CEQA Guidelines and Chapter 31 of the  
21 San Francisco Administrative Code, the Conveyance is categorically exempt from CEQA;  
22 now, therefore, be it

23           RESOLVED, That in accordance with the recommendations of the Director of Property  
24 and the Director of Public Works, the Board of Supervisors hereby approves the Conveyance  
25 of Parcel B-1 and authorizes and urges the Director of Property to execute the necessary

1 agreements, in the name and on behalf of the City, consistent with the Sale Agreement  
2 presented to this Board to effectuate the Conveyance; and, be it

3 FURTHER RESOLVED, That the Director of Property is hereby authorized and urged,  
4 in the name and on behalf of the City and County, to execute and deliver a quitclaim deed to  
5 the Credit Union under the Conveyance upon the closing described in the Sale Agreement in  
6 accordance with the terms and conditions of the Sale Agreement, and to take any and all  
7 steps (including, but not limited to, the execution and delivery of any and all certificates,  
8 agreements, notices, consents, escrow instructions, closing documents and other instruments  
9 or documents) as the Director of Property and the City Attorney deem necessary or  
10 appropriate in order to consummate the Conveyance, or to otherwise effectuate the purpose  
11 and intent of this resolution, such determination to be conclusively evidenced by the execution  
12 and delivery by the Director of Property of any such documents; and, be it

13 FURTHER RESOLVED, That the Purchase Price when received upon the closing of  
14 escrow shall be deposited in the Octavia Boulevard Special Fund, pursuant to San Francisco  
15 Administrative Code Section 10-100.369; and, be it

16 FURTHER RESOLVED, That the Board of Supervisors hereby finds that it is in the  
17 City's best interest to sell Parcel B-1 directly to the adjacent property owner in order to obtain  
18 fair market value for Parcel B-1, that the public interest or necessity demands, or will not be  
19 inconvenienced by, the sale of Parcel B-1 directly to the adjacent property owner, and that  
20 because Parcel B-1 is not capable of independent development competitive bidding would be  
21 impractical or impossible in this instance; and, be it

22 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of  
23 Property to enter into any additions, amendments or other modifications to the Conveyance  
24 (including, without limitation, attachment of exhibits) that the Director of Property and the City  
25 Attorney determines are in the best interests of the City, that do not decrease the sales price

1 for Parcel B-1 or otherwise materially increase the obligations or liabilities of the City, and are  
2 necessary or advisable to complete the Conveyance and effectuate the purpose and intent of  
3 this resolution, such determination to be conclusively evidenced by the Director of Property's  
4 execution and delivery of the Sale Agreement and any amendments thereto; and, be it

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

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

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16 RECOMMENDED:

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Steve Legnitto  
Director of Property

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Edwin Lee  
Director of Public Works

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