

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 18-0129

WHEREAS, The City and County of San Francisco (City), under the jurisdiction of the San Francisco Public Utilities Commission (SFPUC), owns certain real property known as SFPUC Parcel No. 75 (Parcel 75) in Alameda County; and

WHEREAS, In 2011, the City, through the SFPUC, began building a replacement dam and spillway immediately downstream from the existing Calaveras Dam to protect public health and safety by constructing the new facilities to withstand the maximum credible earthquake and the probable maximum flood (Project); and

WHEREAS, Calaveras Road is the main access road for the Project construction contractor (Contractor) to transport large equipment and materials to and from the Project site; and

WHEREAS, Alameda County has an easement from SFPUC's predecessor-in-interest Spring Valley Water Company dated November 16, 1921 giving Alameda County the right to maintain a portion of Calaveras Road on Parcel 75 (Existing Easement); and

WHEREAS, On January 10, 2017, a landslide occurred on an approximately 100-foot section of Calaveras Road near the Project site, making the road impassable and bringing the Project to a halt; and

WHEREAS, The SFPUC, in consultation with Alameda County and with approval by the Board of Supervisors in Resolution No. 110-17 pursuant to Section 6.60 of the Administrative Code, performed emergency work to construct a temporary road around the landslide area on Calaveras Road (New Road Alignment) because delaying the Project to wait for Alameda County to make the necessary road repairs could have delayed construction for another rainy season, increasing the risk of flooding while the new dam was under construction; and

WHEREAS, Alameda County has agreed to accept the New Road Alignment as-is, without warranties, and desires to acquire an approximately 5,484-square-foot road easement and an approximately 22,548-square-foot slope easement (together, New Easements) where a portion of the New Road Alignment and slope improvements exceed the boundary of the Existing Easement; and

WHEREAS, City, through the SFPUC, and Alameda County desire to enter into a Purchase and Sale Agreement (Agreement) to sell the New Easements to Alameda County for fair market value; and

WHEREAS, The fair market value of the New Easements is presently estimated at \$2,457, and the final fair market value of the New Easements will be determined based on the final square footage of the New Easements; and

WHEREAS, Under the terms of the proposed Agreement, Alameda County will pay (i) its proportionate share of title and escrow fees, closing costs, transfer taxes, and property taxes, (ii) a processing fee of \$2,500 as required by the SFPUC 2015 Real Estate Guidelines, and (iii) reimbursement for the City's out of pocket expenses, including, but not limited to, the costs of survey work, legal description and plat map preparation, and obtaining a General Plan Referral from City's Planning Department, provided that the total cost to Alameda County shall not exceed \$50,000; and

WHEREAS, This action does not constitute a "project" under California Environmental Quality Act Guidelines Section 15378 because there would be no physical change in the environment; now, therefore, be it

RESOLVED, That this Commission hereby ratifies, approves, and authorizes all actions heretofore taken by any City official in connection with this Agreement; and, be it

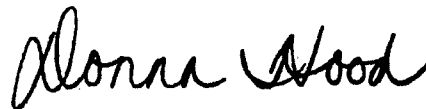
FURTHER RESOLVED, That this Commission hereby authorizes and directs the SFPUC's General Manager to negotiate and execute the Agreement with Alameda County, subject to the approval of the Board of Supervisors and Mayor; and be it

FURTHER RESOLVED, That this Commission hereby authorizes the SFPUC General Manager and/or the Director of Property to enter into any amendments or modifications to the Agreement, including without limitation, the exhibits, that the General Manager or Director of Property determines, in consultation with the City Attorney, are in the best interest of the City, do not materially increase the obligations or liabilities of the City, are necessary or advisable to effectuate the purposes and intent of the Agreement or this resolution, and are in compliance with all applicable laws, including the City Charter; and be it

FURTHER RESOLVED, That, upon approval by City's Board of Supervisors and the Mayor of the Agreement, this Commission authorizes the Director of Property and/or the SFPUC General Manager to execute and deliver a quitclaim deed conveying the New Easements to Alameda County; and be it

FURTHER RESOLVED, That upon approval by City's Board of Supervisors and the Mayor, this Commission authorizes the Director of Property and/or the General Manager of the SFPUC to take any and all other steps they, in consultation with the City Attorney, deem necessary and advisable to effectuate the purpose and intent of this Resolution.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of July 24, 2018.



Secretary, Public Utilities Commission