

1 [Purchase from the San Francisco Unified School District of Real Property located at 380
2 Bacon St., San Francisco for the Public Library.]

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4 **Resolution authorizing the execution and performance of an Agreement of Purchase**
5 **and Sale for Real Estate between the City and County of San Francisco and the San**
6 **Francisco Unified School District (the "Seller" or "District"), for the purchase of real**
7 **property and improvements located at 380 Bacon St., San Francisco (being a portion of**
8 **Block 5983), for use as the Portola Branch Library of the San Francisco Public Library;**
9 **adopting findings under the California Environmental Quality Act; and adopting**
10 **findings that the conveyance is consistent with the City's General Plan and Eight**
11 **Priority Policies of City Planning Code Section 101.1.**

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13 WHEREAS, In November of 2000, the voters of the City passed a general obligation
14 bond for the renovation and acquisition of land and improvements for the City's Public Library
15 system; and,

16 WHEREAS, The proposed real property consisting of an approximately 8,800 square
17 foot parcel of land, located at 380 Bacon St., San Francisco, California (the "Property") is an
18 underutilized portion of the Martin Luther King, Jr. Middle School which will benefit from the
19 co-location of a public library and the School District desires to sell the Property; and,

20 WHEREAS, On June 5, 2003, by Resolution the San Francisco Public Library
21 Commission unanimously endorsed and recommended to the Board of Supervisors approval
22 of the purchase of the Property from the Seller; and,

23 WHEREAS, There are sufficient bond funds available to pay for the purchase of the
24 Property; and,

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1 WHEREAS, In order to consummate the purchase of the Property, the Board of
2 Supervisors desires to authorize the execution, delivery and performance of the Purchase
3 Agreement (a copy of the proposed Purchase Agreement is on file with the Clerk of the Board
4 of Supervisors); and,

5 WHEREAS, the purchase price for the Property is \$1,287,000, (the "Purchase Price")
6 has been determined by the Director of Property to reflect the fair market value of the
7 Property; and,

8 WHEREAS, Pursuant to the Purchase Agreement, the City will have the opportunity to
9 review information concerning the Property and to terminate the Purchase Agreement if the
10 City is dissatisfied with the results of its due diligence review; and,

11 WHEREAS, The Purchase Agreement includes a limited indemnification by the City in
12 connection with the City's entry onto the Property for purposes of conducting due diligence
13 investigations, inquiries and studies; and,

14 WHEREAS, On August 21, 2003, the Department of City Planning adopted and issued
15 a General Plan Consistency Finding, a copy of which is on file with the Clerk of the Board,
16 wherein the Department of City Planning found that the acquisition of the Property is
17 consistent with the City's General Plan and with the Eight Priority Policies under Planning
18 Code Section 101.1; and,

19 WHEREAS, On August 21, 2003, the Department of City Planning also found that the
20 project is Categorical Exempt from Environmental Review, a copy of which finding is on file
21 with the Clerk of the Board; now, therefore, be it

22 RESOLVED, That the Board of Supervisors hereby adopts the findings contained in the
23 documents from the Department of City Planning dated August 21, 2003, regarding the
24 California Environmental Quality Act, and hereby incorporates such findings by reference as
25 though fully set forth in this Resolution; and be it,

1 FURTHER RESOLVED, That the Board of Supervisors hereby finds that the purchase
2 of the Property, as contemplated by the Purchase Agreement is consistent with the General
3 Plan, and with the eight Priority Policies of Planning Code Section 101.1 for the same reasons
4 as set forth in the letter of the Department of City Planning, dated August 21, 2003, and
5 hereby incorporates such findings by reference as though fully set forth in this Resolution;
6 and, be it

7 FURTHER RESOLVED, That in accordance with the recommendation of the Director
8 of Property, the Library Commission and the City Librarian, the execution, delivery and
9 performance of the Purchase Agreement is hereby approved and the Director of Property (or
10 his designee) is hereby authorized to execute the Purchase Agreement, in substantially the
11 form of such Purchase Agreement and on behalf of the City and any such other documents
12 that are necessary or advisable to complete the transaction contemplated by the Purchase
13 Agreement and effectuate the purpose and intent of this Resolution; and, be it

14 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
15 Property (or his designee) to enter into any additions, amendments or other modifications to
16 the Purchase Agreement and any other documents or instruments necessary in connection
17 therewith, that the Director of Property determines are in the best interests of the City, do not
18 materially decrease the benefits to the City with respect to the Property, do not materially
19 increase the obligations or liabilities of the City, and are necessary or advisable to complete
20 the transaction contemplated in the Purchase Agreement and effectuate the purpose and
21 intent of this Resolution, such determination to be conclusively evidenced by the execution
22 and delivery by the Director of Property (or his designee) of any such additions, amendments,
23 or other modifications; and, be it

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1 FURTHER RESOLVED, That all actions authorized and directed by this Resolution and
2 heretofore taken are hereby ratified, approved and confirmed by this Board of Supervisors.

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5 \$1,287,000 Available
6 Branch Library Facilities Improvement
7 Bonds, 2000

8 3C PLI 01E (\$43,847)
9 3C PLI 01B (\$1,243,153)
10 Index Code PWA803CLI01B
11 Project Code CLBBL2 POPL40

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Controller

RECOMMENDED:

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Kenneth E. Winters
Acting Director of Property

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Susan Hildreth
City Librarian
Library Resolution 4-03