

1 [Grant of Easements in Santa Clara County]

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3 **Resolution authorizing the grant of easements to the Santa Clara Valley Transportation**
4 **Authority over property in the County of Santa Clara under the jurisdiction of the San**
5 **Francisco Public Utilities Commission; adopting findings that the conveyance is**
6 **consistent with the City's General Plan and Eight Priority Policies of City Planning**
7 **Code Section 101.1; adopting findings pursuant to the California Environmental Quality**
8 **Act; authorizing the Director of Property to execute documents, make certain**
9 **modifications and take certain actions in furtherance of this resolution; and ratifying**
10 **acts and authorizing actions in furtherance of this resolution;.**

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12 WHEREAS, The City and County of San Francisco owns certain pipeline right of way
13 land in the County of Santa Clara, under the jurisdiction of the San Francisco Public Utilities
14 Commission ("SFPUC") adjacent to the Interstate 880 Freeway; and

15 WHEREAS, The Santa Clara Valley Transportation Authority ("VTA") has requested
16 that, in consideration of the payment of \$183,252.00 (the "Easement Price"), the City grant to
17 it in connection with the Route 237/I-880 Freeway Upgrade Project in the City of Milpitas,
18 County of Santa Clara, California: (i) a permanent easement over a parcel of land containing
19 approximately 955.2 square meters for the purpose of the widening of the existing adjacent
20 Interstate Highway 880 for the creation of a high occupancy vehicle lane (the "Highway
21 Project"); and (ii) a temporary construction easement over a parcel of land containing
22 approximately 1,273.3 square meters terminating at the completion of VTA's construction on
23 the permanent easement, but in any event, no later than May 1, 2005, for the purpose of
24 access during construction relating to such Highway Project. Both of the described

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1 easements are located adjacent to the western boundary of the I-880 Freeway north of Route
2 237 (the "Easements"); and,

3 WHEREAS, The SFPUC has by its Resolution NO. 01-0095, a copy of which is on file
4 with the Clerk of the Board of Supervisors in File No. _____, has approved the proposed
5 grant of the Easements; and,

6 WHEREAS, By letter dated January 22, 2003, a copy of which is on file with the Clerk
7 of the Board of Supervisors in File No. _____, which is hereby declared to be a part of this
8 resolution as if set forth fully herein, the Department of City Planning reported its findings that
9 the proposed project is categorically exempt from the California Environmental Quality Act
10 and is in conformity with City's General Plan and consistent with the Eight Priority Policies of
11 Planning Code Section 101.1; and,

12 WHEREAS, The Director of Property has determined that the Easement Price to be
13 paid by the VTA is a fair market value; and,

14 WHEREAS, A copy of the proposed Agreement for Sale of Easements (the
15 "Agreement") and the Quitclaim Easement Deed (the "Quitclaim Deed") between the City and
16 the VTA is on file with the Clerk of the Board of Supervisors in File No. _____, which are
17 hereby declared to be a part of this resolution as if set forth fully herein; and,

18 WHEREAS, The Agreement provides for the City to grant the Easements to the VTA
19 subject to the satisfaction of certain conditions, including the payment of the Easement Price,
20 and for the VTA, upon completion of its project, to assign these property rights to the State of
21 California Department of Transportation; now, therefore, be it

22 RESOLVED, That this Board of Supervisors in accordance with the recommendations
23 of the San Francisco Public Utilities Commission and the Director of Property hereby
24 approves the Agreement and the Quitclaim Deed and the transactions contemplated thereby
25 and authorizes the Director of Property to execute the Agreement and Quitclaim Deed in the

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BOARD OF SUPERVISORS

Page 2

7/27/2011

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1 name and on behalf of the City, in substantially the form of such Agreement and Quitclaim
2 Deed presented to this Board; and, be it

3 FURTHER RESOLVED, That this Board of Supervisors adopts as its own and
4 incorporates by reference herein, as though fully set forth, the findings made by the
5 Department of City Planning that the grant of Easements is categorically exempt from
6 environmental review and is in conformity with the General Plan and consistent with the Eight
7 Priority Policies of City Planning Code Section 101; and, be it

8 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
9 Property to enter into any additions, amendments or other modifications to the Agreement and
10 to the Quitclaim Deed (including without limitation, any exhibits) that the Director of Property
11 determines are in the best interest of the City, do not decrease the revenues to the City, or do
12 not materially increase the obligations or liabilities of the City and are advisable to complete
13 the transactions contemplated by the Agreement and Quitclaim Deed and to effectuate the
14 purpose and intent of this resolution; and, be it

15 FURTHER RESOLVED, That all actions authorized by this resolution and heretofore
16 taken by any City official in connection with the subject matter hereof are hereby ratified,
17 confirmed and approved by this Board of Supervisors.

18 RECOMMENDED:

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21 _____
22 Kenneth E. Winters
23 Acting Director of Property

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*(Real Estate)