

1 [Public Utilities Commission Land Exchange]

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3 **Resolution approving an exchange of pipeline easement land with Hayward-Oliver**
4 **Owners, LLC related to property located in the City of Hayward, County of Alameda,**
5 **State of California, and authorizing the quitclaim of the interest of the City and County**
6 **of San Francisco in a strip of land 20 feet wide located along the westerly side of an**
7 **existing easement area, in exchange for a grant of easement rights in a similar strip of**
8 **land 20 feet wide located along the easterly side of the existing easement area plus**
9 **certain additional surface use rights to City, and adopting findings pursuant to City**
10 **Planning Code Section 101.1.**

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12 WHEREAS, Hayward-Oliver Owners, LLC, a Delaware limited liability company, as
13 successor to the Gordon E. Oliver Trust of May 22, 1982 and the Alden Oliver Trust of
14 December 9, 1982 (the "Grantor") owns that certain approximately 123.2-acre parcel of real
15 property located in the City of Hayward, County of Alameda, State of California (the
16 "Hayward-Oliver Property"); and,

17 WHEREAS, The City and County of San Francisco (the "City") owns an easement
18 interest for water pipeline and utility purposes ("Existing Easement") over an approximately
19 52.2-foot wide portion of the Hayward-Oliver Property (the "Existing Easement Area"),
20 pursuant to that certain Indenture dated January 30, 1931, and recorded in the Official
21 Records of Alameda County on January 30, 1931, in Book 2541, at Page 149, a copy of
22 which Indenture is on file with the Clerk of the Board of Supervisors in File. No. _____ ,
23 which is hereby declared to be a part of this resolution as if set forth fully herein (as amended
24 or modified, the "Easement Agreement"); and,

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1 WHEREAS, The City is holding the Existing Easement for future placement of water
2 pipeline(s) or utilities, and the Existing Easement Area is presently unutilized; and,

3 WHEREAS, Pursuant to the terms and conditions of an Easement Modification
4 Agreement (the "Agreement"), in substantially the form on file with the Clerk of the Board of
5 Supervisors in File No. _____, which is hereby declared to be a part of this resolution as
6 if set forth fully herein, the Grantor has requested that the Easement Agreement be amended
7 to quitclaim the City's interest in a strip of land 20 feet wide located along the westerly side of
8 the Existing Easement Area (the "Released Easement Area"), in exchange for Grantor
9 granting to the City (a) similar easement rights over a strip of land 20 feet wide located along
10 the easterly side of the Existing Easement Area (the "Additional Easement Area") and (b) the
11 right of surface use for a future pumping station on a specified portion of the Existing
12 Easement Area, as modified; and,

13 WHEREAS, The Existing Easement Area, as amended to omit the Released
14 Easement Area and include the Additional Easement Area, shall be referred to herein as the
15 "Modified Easement Area"; and

16 WHEREAS, The San Francisco Public Utilities Commission ("PUC") has determined
17 that the proposed transaction contemplated by the Agreement will not adversely affect any
18 future installation of water pipelines and will benefit the PUC by securing additional property
19 rights for a future pumping station; and,

20 WHEREAS, The PUC and the Department of City Planning have determined that the
21 proposed transaction contemplated in the proposed Agreement is Categorically Exempt from
22 Environmental Review pursuant to the California Environmental Quality Act; and,

23 WHEREAS, By letter dated _____, a copy of which is on file with the
24 Clerk of the Board of Supervisors in File No. _____, which is hereby declared to be a
25 part of this resolution as if set forth fully herein, the Department of City Planning reported its

1 findings that the proposed Agreement is in conformity with City's General Plan and consistent
2 with the Eight Priority Policies of City Planning Code Section 101.1; and

3 WHEREAS, The Director of Property has determined that there will be no
4 diminishment in value of the Existing Easement, as amended, and no increase in the value of
5 the adjoining land as a result of this Exchange, and the Director of Property recommends that
6 the Board of Supervisors approve the Agreement and the transaction contemplated therein;
7 now, therefore, be it

8 RESOLVED, That the Board of Supervisors in accordance with the recommendations
9 of the PUC and the Director of Property hereby approves, and authorizes the General
10 Manager of the PUC and the Director of Property to execute, the Agreement and any other
11 documents deemed necessary to consummate the transaction contemplated therein; and, be
12 it

13 FURTHER RESOLVED, That the Board of Supervisors adopt as its own and
14 incorporates by reference herein, as though fully set forth, the findings made by the
15 Department of City Planning that the modification of easement is in conformity with the
16 General Plan and consistent with the Eight Priority Policies of City Planning Code Section
17 101.1; and, be it

18 FURTHER RESOLVED, That the Board authorizes the General Manager of the PUC
19 and the Director of Property to enter into modifications to the Agreement (including, without
20 limitation the attachment or modification of exhibits) that are in the best interest of the City, do
21 not materially change the terms of the Agreement, and are necessary and advisable to
22 effectuate the purpose and intent of this Resolution; and, be it

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

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6 RECOMMENDED:

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9 _____
General Manager
Public Utilities Commission

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11 Pursuant to Resolution No. 00-0175
12 Adopted July 16, 2000

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Director of Property

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