

1 [Acceptance of Donation of Real Estate]

2 **Resolution authorizing the acceptance by the City and County of San Francisco of the**
3 **donation of two lots from Rosario F. Occhipinti, a married man, and the Rosario F.**
4 **Occhipinti Separate Property Trust dated August 15, 1989, (collectively “Occhipinti”), at**
5 **no cost to the City, for the development of a playground, adopting findings that the**
6 **conveyance is categorically exempt from Environmental Review, is consistent with the**
7 **City’s Eight Priority Policies of City Planning Code Section 101.1 and is in conformity**
8 **with the City’s General Plan; and authorizing the Director of Property to execute**
9 **documents, make certain modifications and take certain actions in furtherance of this**
10 **resolution.**

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12 WHEREAS, Occhipinti developed a residential project on Meade Avenue (Meade
13 Avenue Project); and

14 WHEREAS, As a condition for approval of the Meade Avenue Project, the San
15 Francisco Planning Commission by Motion No. 11170, a copy of which is on file with the Clerk
16 of the Board of Supervisors in File No. _____, mandated that Occhipinti donate two lots in
17 the Meade Avenue Project to the Recreation and Park Department for use as a playground;
18 and,

19 WHEREAS, Occhipinti agreed to grade all lots, to build all retaining walls associated
20 with and/or required by said grading and to provide water and sewage connections to each
21 donation lot, all to the specifications of the Recreation and Park Department; and

22 WHEREAS, By its Resolution No. 0402-005 the Recreation and Park Commission
23 recommends that the Board of Supervisors approve acceptance of Lots 133 and 134, Block
24 4991 in accord with Planning Commission Motion No. 11170; and

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1 WHEREAS, The Director of Planning, by letter dated August 27, 2004, found that the
2 conveyance of the Property contemplated by this Resolution is in conformity with the City's
3 General Plan, and is consistent with the Eight Priority Policies of City Planning Code Section
4 101.1, and is categorically exempt from Environmental Review, which letter is on file with the
5 Clerk of the Board of Supervisors under File No. _____, and which letter is incorporated
6 herein by this reference; now, therefore, be it

7 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
8 hereby finds that the donation is in conformity with the General Plan, and is consistent with
9 the Eight Priority Policies of City Planning Code Section 101.1 and is categorically exempt
10 from Environmental Review for the same reasons as set forth in the letter of the Director of
11 Planning, dated August 27, 2004, and hereby incorporates such findings by reference as
12 though fully set forth in this resolution; and, be it

13 FURTHER RESOLVED, That in accordance with the recommendations of the
14 General Manager of the Recreation and Park Department, the Recreation and Park
15 Commission and the Director of Property, the Board of Supervisors hereby approves the
16 donation of Lots 133 and 134 in Block 4991 and the transaction contemplated thereby,
17 conditioned upon the Recreation and Park Department's approval of the physical condition
18 of the property; and, be it

19 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
20 Property to enter into any additions, amendments or other modifications to the Joint Escrow
21 Instructions to Fidelity National Title Insurance company dated October 10, 2003 and
22 executed by Occhipinti and the City (including, without limitation, the attached exhibits) that
23 the Director of Property determines are in the best interests of the City, that do not increase
24 the City's cost for the donation or otherwise materially increase the obligations or liabilities
25 of the City, and are necessary or advisable to complete the transaction contemplated in the

1 escrow instructions and effectuate the purpose and intent of this resolution, such
2 determination to be conclusively evidenced by the execution and delivery by the Director of
3 Property of the authorization for recording the deed for the donation and any amendments
4 thereto; and, be it

5 FURTHER RESOLVED, That the Director of Property is hereby authorized and
6 urged, in the name and on behalf of the City and County, to accept the deed to the Property
7 from Occhipinti upon the closing of escrow in accordance with the terms and conditions of
8 the letter of escrow instructions dated October 13, 2003, and to take any and all steps
9 (including, but not limited to, the execution and delivery of any and all certificates,
10 agreements, notices, consents, supplemental escrow instructions, closing documents and
11 other instruments or documents) as the Director of Property deems necessary or
12 appropriate in order to consummate the conveyance of the Property pursuant to the
13 Planning Commission Motion No. 11170, or to otherwise effectuate the purpose and intent
14 of this resolution, such determination to be conclusively evidenced by the execution and
15 delivery by the Director of Property of any such documents.

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17 RECOMMENDED:

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Steve Legnitto
Director of Property

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