

1 [Real Property Acquisition - Easement - Robert Tsui and Thuyen Ly Tsui, as Trustees of the
2 Tsui Family Trust - Lower Alemany Area Stormwater Improvements - Not to Exceed \$25,000]

3 **Resolution approving and authorizing the terms and conditions and authorizing the**
4 **General Manager of the San Francisco Public Utilities Commission and/or the Director**
5 **of Property to execute a Purchase and Sale Agreement and Easement Deed with Robert**
6 **Tsui and Thuyen Ly Tsui, as Trustees of the Tsui Family Trust, for the acquisition of a**
7 **298.2-square-foot easement for a subsurface sewer tunnel under and across a portion**
8 **of Assessor's Parcel Block No. 5861, Lot No. 022, known as 495 Gaven Street, San**
9 **Francisco, for a total amount not to exceed \$25,000 and effective on the date the**
10 **Purchase and Sale Agreement is executed by both parties, pursuant to Charter,**
11 **Section 9.118; adopting findings that the conveyance is consistent with the General**
12 **Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting a**
13 **finding that the Purchase and Sale Agreement furthers a proper public purpose**
14 **sufficient to meet Administrative Code, Section 23.30, market value requirements.**

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16 WHEREAS, The San Francisco Public Utilities Commission (SFPUC) seeks to improve
17 collection system capacity and increase flood resilience during wet weather events within the
18 Lower Alemany area in San Francisco as a part of Project No. 10034360, Lower Alemany
19 Area Stormwater Improvements (Project); and

20 WHEREAS, The Project includes the installation of a 10-foot internal diameter tunnel,
21 to be designated as the Alemany Auxiliary Sewer; and

22 WHEREAS, The tunnel would be installed along Alemany Boulevard and Gaven
23 Street, south of I-280, and along Boutwell Street northeast of the I-280 and US-101
24 interchange; and

1 WHEREAS, The Alemany Auxiliary Sewer would consist of an approximately 1.4-mile-long sewer line connecting to the existing Alemany Sewer, the Industrial Sewer, and the Islais Creek Transport/Storage Box; and

4 WHEREAS, The proposed Alemany Auxiliary Sewer tunnel alignment crosses under the driveways of three private residential properties at the western terminus of Gaven Street, across property owned by Robert Tsui and Thuyen Ly Tsui, as Trustees of the Tsui Family Trust (Property Owner), located at 495 Gaven Street, San Francisco, designated as a portion of Assessor's Parcel Block No. 5861, Lot No. 022 (Property); and

9 WHEREAS, The Project requires that the City and County of San Francisco (City) acquire an approximately 298.2-square-foot easement (the Easement) for the subsurface Alemany Auxiliary Sewer tunnel across the Property; and

12 WHEREAS, SFPUC staff, through consultation with the Office of the City Attorney, made an offer to Property Owner to purchase the Easement for a purchase price of \$25,000 plus payment of escrow and recording fees and title insurance costs, as set forth in the attached form of an Agreement for Purchase and Sale of Real Estate (Agreement) and Easement Deed to convey the Easement (Easement Deed); and

17 WHEREAS, Property Owner accepted the City's offer to purchase the Easement and signed the Agreement; and

19 WHEREAS, On December 9, 2025, by SFPUC Resolution No. 25-0174, the SFPUC Commission approved and authorized the terms and conditions of the Agreement and authorized the General Manager of the SFPUC and/or the Director of Property to execute the Agreement and Easement Deed with Property Owner, subject to the approval of the Board of Supervisors; and

24 WHEREAS, The Purchase and Sale Agreement is effective on the date on which it is executed by both parties; and

1 WHEREAS, The proposed purchase price payable under the Agreement is a
2 negotiated settlement between Property Owner and City and exceeds the appraised value of
3 the Easement, as determined by an independent MAI appraiser, and therefore requires a
4 Board of Supervisors finding that the Agreement furthers a proper public purpose sufficient to
5 meet the requirements of San Francisco Administrative Code Section 23.30, market value
6 requirements; and

7 WHEREAS, On September 24, 2025, through Case No. 2023-000654GPR (General
8 Plan Findings), the San Francisco Planning Department found that the proposed purchase of
9 the Easement is consistent with the eight priority policies of Planning Code, Section 101.1,
10 and is in conformity with the San Francisco General Plan; and

11 WHEREAS, On March 25, 2025, the San Francisco Planning Department determined
12 the Project to be categorically exempt under 1) the California Environmental Quality Act
13 (CEQA) Guidelines section 15301, 2) Class 1 (Existing Facilities) and 3) section 15303, Class
14 3 (New Construction or Conversion of Small Structures) under Case No. 2023-000654ENV
15 (collectively, CEQA Findings); and

16 WHEREAS, The Board of Supervisors has reviewed and considered the General Plan
17 Findings and CEQA Findings; now, therefore be it

18 RESOLVED, That the Board of Supervisors hereby adopts the General Plan Findings
19 and CEQA Findings concerning the purchase of the Easement; and, be it

20 FURTHER RESOLVED, That this Board of Supervisors hereby approves the terms and
21 conditions and authorizes the General Manager of the SFPUC and/or the Director of Property
22 to execute the Agreement and Easement Deed with Robert Tsui and Thuyen Ly Tsui, as
23 Trustees of the Tsui Family Trust, for the acquisition of the Easement, for a total amount not
24 to exceed \$25,000 pursuant to Charter, Section 9.118; and, be it

1 FURTHER RESOLVED, That the Board of Supervisors confirms that the negotiated
2 price for the Easement furthers a proper public purpose sufficient to meet the requirements of
3 San Francisco Administrative Code, Section 23.30, market value requirements; and, be it

4 FURTHER RESOLVED, That the Board of Supervisors ratifies the Agreement and
5 authorizes the General Manager of the SFPUC and/or the Director of Property to enter into
6 any additions, amendments, or other modifications to the Agreement (including, without
7 limitation, the attached exhibits) that the General Manager of the SFPUC and/or the Director
8 of Property determine are in the best interest of City, do not materially increase the obligations
9 or liabilities of City, and are necessary or advisable to complete the transaction contemplated
10 in the Agreement and effectuate the purpose and intent of this resolution, such determination
11 to be conclusively evidenced by the execution and delivery of the General Manager of the
12 SFPUC and/or Director of Property of the Agreement and any amendments thereto; and, be it

13 FURTHER RESOLVED, That within thirty (30) days of the Agreement being fully
14 executed by all parties, the General Manager of the SFPUC shall provide the final Agreement
15 to the Clerk of the Board for inclusion in the official file.

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