

1 [Grant of Easements in San Mateo County]

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3 **Resolution authorizing (retroactive to April 1, 2003 for Parcel 3) a grant of easements to**
4 **the State of California over property in the County of San Mateo under the jurisdiction**
5 **of the San Francisco Public Utilities Commission; adopting findings that the**
6 **conveyance is consistent with the City's General Plan and Eight Priority Policies of City**
7 **Planning Code Section 101.1; adopting findings pursuant to the California**
8 **Environmental Quality Act; ratifying acts and authorizing actions in furtherance of this**
9 **resolution; and authorizing the Director of Property to execute documents, make**
10 **certain modifications and take certain actions in furtherance of this resolution.**

11

12 WHEREAS, The City and County of San Francisco owns certain watershed land in the
13 County of San Mateo, under the jurisdiction of the San Francisco Public Utilities Commission
14 ("SFPUC") surrounding the Interstate 280 Freeway; and

15 WHEREAS, The State of California, through its Department of Transportation, has
16 requested that the City grant to it for slope restoration and protection necessary to restore
17 public access to a panoramic overlook: (i) permanent easements over two parcels of land
18 containing approximately 68 and 179 square meters; and (ii) a temporary construction
19 easement over a parcel of land containing approximately 2,629 square meters, all located
20 east of the I-280 Freeway between Route 92 and Edgewood Road in the County of San
21 Mateo (the "Easements"); and,

22 WHEREAS, The SFPUC has by its Resolutions No. 01-0127 and No. 03-0127, copies
23 of which are on file with the Clerk of the Board of Supervisors in File No. _____, determined
24 that the proposed permanent easement areas are surplus to its needs and approved the
25 proposed grant of the Easements; and,

*(Real Estate)

1 WHEREAS, By letter dated June 12, 2003, a copy of which is on file with the Clerk of
2 the Board of Supervisors in File No. _____, which is hereby declared to be a part of this
3 resolution as if set forth fully herein, the Department of City Planning reported its findings that
4 the proposed project is categorically exempt from the California Environmental Quality Act
5 and is in conformity with City's General Plan and consistent with the Eight Priority Policies of
6 Planning Code Section 101.1; and,

7 WHEREAS, The Director of Property has determined there will be no diminishment in
8 the value of the SFPUC land and that the consideration of \$2,500.00 to be paid by the State is
9 a fair consideration; and,

10 WHEREAS, A copy of the proposed Agreement for Grant of Easements (the
11 "Agreement") between the City and the State of California is on file with the Clerk of the Board
12 of Supervisors in File No. _____, which is hereby declared to be a part of this resolution as if
13 set forth fully herein; and,

14 WHEREAS, The Agreement provides for the City to grant the Easements to the State
15 of California subject to the satisfaction of certain conditions, including the payment of
16 \$2,500.00; now, therefore, be it

17 RESOLVED, That this Board of Supervisors in accordance with the recommendations
18 of the San Francisco Public Utilities Commission and the Director of Property hereby
19 approves (retroactive to April 1, 2003 for Parcel 3) the Agreement and the transactions
20 contemplated thereby and authorizes the Director of Property to execute the Agreement in the
21 name and on behalf of the City, in the form of such Agreement presented to this Board; and,
22 be it

23 FURTHER RESOLVED, That this Board of Supervisors adopts as its own and
24 incorporates by reference herein, as though fully set forth, the findings made by the
25 Department of City Planning that the grant of Easements is categorically exempt from

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Page 2

7/27/2011

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1 environmental review and is in conformity with the General Plan and consistent with the Eight
2 Priority Policies of City Planning Code Section 101; and, be it

3 FURTHER RESOLVED, That this Board of Supervisors authorizes the Director of
4 Property to execute an Easement Deed (the "Easement Deed") to effect the conveyances
5 described in the Agreement, in the form on file with the Clerk of the Board of Supervisors in
6 File No. _____, which is hereby declared to be a part of this Resolution as if set forth fully
7 herein; 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 Easement 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 Easement 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

19 RECOMMENDED:

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

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*(Real Estate)