

1 [Sale Agreement - Santa Clara Valley Water District - 10,925 Square Feet of Portion of APN
2 104-28-066 in Sunnyvale, Santa Clara County - \$33,000]

3 **Resolution 1) approving and authorizing the sale to Santa Clara Valley Water District**
4 **for \$33,000 of approximately 10,925 square feet of real property located near Manzano**
5 **Way in Sunnyvale, California, a portion of Assessor’s Parcel No. (APN) 104-28-066; 2)**
6 **adopting findings declaring that the property is “surplus land” and “exempt surplus**
7 **land” pursuant to the California Surplus Lands Act; 3) adopting findings under**
8 **Administrative Code, Section 23.3, that offering the property for sale through**
9 **competitive bidding would be impractical and not in the public interest; 4) affirming the**
10 **Planning Department’s determination under the California Environmental Quality Act;**
11 **5) adopting findings that the sale of the property is consistent with the General Plan,**
12 **and the eight priority policies of Planning Code, Section 101.1; and 6) authorizing the**
13 **San Francisco Public Utilities Commission (SFPUC) General Manager and/or City’s**
14 **Director of Property to execute documents, make certain modifications, and take**
15 **certain actions in furtherance of this Resolution, as defined herein; and to authorize the**
16 **SFPUC General Manager and/or City’s Director of Property to enter into any additions,**
17 **amendments, or other modifications to the Sale Agreement that do not materially**
18 **decrease the benefits to the City with respect to the Property, and do not materially**
19 **increase the obligations or liabilities of either the SFPUC or the City, and are necessary**
20 **or advisable to complete the transaction contemplated in the Sale Agreement, to**
21 **effectuate the purpose and intent of this Resolution.**

22
23 WHEREAS, The City owns certain real property under San Francisco Public Utilities
24 Commission (SFPUC) jurisdiction located near Manzano Way at Oak Creek Way, east of
25 Calabazas Creek in the City of Sunnyvale, Santa Clara County, California, constituting

1 approximately 10,925 square feet of underutilized property (“Property”) designated as a
2 portion of Assessor Parcel No. 104-28-066; and

3 WHEREAS, The Property is improved with a concrete ramp structure that is a segment
4 of a pedestrian/bicycle trail and also contains a segment of Santa Clara Valley Water District’s
5 (“Valley Water”) service road extending north and south providing access to Valley Water’s
6 facilities; and

7 WHEREAS, Valley Water has agreed to purchase the Property on an “as-is with all
8 faults” basis; and

9 WHEREAS, City desires to convey the Property to Valley Water because Valley Water
10 is already using the Property and the SFPUC determined, through its Resolution No. 22-0070
11 dated April 12, 2022 (“SFPUC Resolution”), a copy of which is on file with the Clerk of the
12 Board in File No. 220657, that the Property is surplus to its utility needs in accordance with
13 Charter, Section 8B.121(e); and

14 WHEREAS, By the SFPUC Resolution, the SFPUC declared the Property as “surplus
15 land,” as defined in California Government Code, Section 54221(b), because City owns the
16 Property in fee simple and the Property is not necessary for City’s use; and

17 WHEREAS, By the SFPUC Resolution, the SFPUC declared the Property as “exempt
18 surplus land,” as defined in California Government Code, Section 54221(f)(1)(D), because it is
19 surplus land that the City is transferring to another local agency for the agency’s use; and

20 WHEREAS, Per Section 23.3 of the Administrative Code, the City may convey the
21 Property to Valley Water without a competitive bidding process if the Board determines a
22 competitive process is impractical, impossible, or is otherwise not in the public interest; and

23 WHEREAS, Valley Water is the only practical purchaser of the Property and intends to
24 continue use of the Property for its utility purposes; and

25

1 WHEREAS, As of February 25, 2021, a City-hired MAI appraiser, Clifford Advisory,
2 LLC, valued the Property at \$33,000, and issued an appraisal update report as of December
3 20, 2021, concluded that the \$33,000 remains unchanged; and

4 WHEREAS, On January 19, 2022, City’s Director of Property reviewed and approved
5 the appraisal update report; and

6 WHEREAS, The Director of the San Francisco Planning Department, by letter dated
7 February 4, 2020, found that the sale of the Property is consistent with the City’s General
8 Plan, and with the eight priority policies of City Planning Code, Section 101.1, and is not a
9 project under CEQA Guidelines, Sections 15060(c) and 15378, a copy of which is on file with
10 the Clerk of the Board under File No. 220657 and is incorporated herein by reference; and

11 WHEREAS, By the SFPUC Resolution, the SFPUC approved the terms of a proposed
12 agreement between the City and Valley Water for the conveyance of the Property (Sale
13 Agreement) and authorized the SFPUC General Manager to execute the necessary
14 conveyance documents for the sale of the Property, including the Sale Agreement, on
15 approval from the Board and Mayor; now, therefore, be it

16 RESOLVED, That the Board finds that the sale of the Property is not a project under
17 CEQA Guidelines, Sections 15060(c) and 15378 and is consistent with the General Plan, and
18 the eight priority policies of City Planning Code, Section 101.1 as set forth in the letter from
19 the Director of Planning dated February 4, 2020; and, be it

20 FURTHER RESOLVED, That the Board finds, in consideration of the foregoing, that
21 the Property is “surplus land,” as defined in California Government Code, Section 54221(b),
22 because it is owned in fee simple by City and not necessary for City’s use; and, be it

23 FURTHER RESOLVED, That the Board finds, in consideration of the foregoing, that
24 the Property is “exempt surplus land,” as defined in California Government Code, Section
25

1 54221(f)(1)(D), because it is surplus land that the City is transferring to another local agency
2 for the agency's use; and, be it

3 FURTHER RESOLVED, That the Board determines, in accordance with Section 23.3
4 of the Administrative Code, that a competitive bidding process for the conveyance of the
5 Property is impractical and is otherwise not in the public interest because of Valley Water's
6 adjacent property interests and existing, permitted infrastructure, and ability to condemn
7 property interests in the Property; and, be it

8 FURTHER RESOLVED, That the Board finds that the conveyance of the Property is
9 consistent with the General Plan and with the eight priority policies of City Planning Code
10 Section 101.1 for the same reasons as set forth in the letter from the Director of Planning
11 dated February 4, 2020, and hereby incorporates such findings as though fully set forth in this
12 Resolution; and, be it

13 FURTHER RESOLVED, That, in accordance with the recommendation of the SFPUC,
14 the Board approves and authorizes the City to sell the Property to Valley Water for \$33,000;
15 and, be it

16 FURTHER RESOLVED, That, in accordance with the SFPUC's recommendations, the
17 Board approves the terms and conditions of the Sale Agreement for the sale of the Property to
18 Valley Water, and approves and authorizes the SFPUC General Manager and/or City's
19 Director of Property to take all actions necessary or appropriate to sell the Property and
20 effectuate the Sale Agreement and this Resolution; and, be it

21 FURTHER RESOLVED, That the SFPUC General Manager and/or City's Director of
22 Property is authorized and urged in the name and on behalf of the City and County of
23 San Francisco to execute the Sale Agreement in substantially the form presented to the Board
24 and to take any and all steps (including, but not limited to, the execution and delivery of any
25 and all certificates, agreements, notices, consents, escrow instructions, closing documents,

1 and other instruments or documents) as the Director of Property or the SFPUC General
2 Manager deems necessary or appropriate in order to consummate the sale contemplated by
3 the Sale Agreement to Valley Water, or to otherwise effectuate the purpose and intent of this
4 resolution, such determination to be conclusively evidenced by the execution and delivery by
5 the Director of Property and/or the SFPUC General Manager of any such documents; and, be
6 it

7 FURTHER RESOLVED, That in accordance with the recommendation of the SFPUC
8 General Manager, the Board ratifies, approves, and authorizes all actions heretofore taken by
9 any City official in connection with the Sale Agreement and the transaction contemplated
10 thereby; and, be it

11 FURTHER RESOLVED, That the Board authorizes the SFPUC General Manager
12 and/or City's Director of Property, in consultation with the Office of the City Attorney, to enter
13 into any additions, amendments, or other modifications to the Sale Agreement (including,
14 without limitation, the exhibits and ancillary agreements attached to the Sale Agreement) that
15 the SFPUC General Manager and/or City's Director of Property determine are in the best
16 interests of the City, do not materially decrease the benefits to the City with respect to the
17 Property, do not materially increase the obligations or liabilities of either the SFPUC or the
18 City, are necessary or advisable to complete the transaction contemplated in the Sale
19 Agreement, effectuate the purpose and intent of this resolution, such determination to be
20 conclusively evidenced by the execution and delivery by the SFPUC General Manager and/or
21 City's Director of Property of any such additions, amendments, or other modifications, and are
22 in compliance with all applicable laws, including the City Charter; and, be it

23 FURTHER RESOLVED, That within thirty (30) days after the Closing (as defined in the
24 Sale Agreement), the SFPUC shall provide any applicable final contracts to the Clerk of the
25 Board for inclusion into the official file.