

1 [Sale Agreement - Permanent and Temporary Easements for Highway 84 Improvement  
2 Project in Alameda County - \$6,000]

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4 **Resolution approving and authorizing an agreement for the sale and conveyance of**  
5 **property rights in fee interest, two nonexclusive permanent easements and three**  
6 **temporary easements over portions of Assessor's Parcel Numbers 85A-5400-2-3 and**  
7 **507-762-005-00 located in Alameda County under the jurisdiction of the San Francisco**  
8 **Public Utilities Commission to State of California acting through its California**  
9 **Department of Transportation for a purchase price of \$6,000 which includes \$2,500**  
10 **payment for City and County of San Francisco's administration and legal fees;**  
11 **adopting SFPUC's Resolution 10-0094; further adopting findings that the conveyance is**  
12 **in conformity with City's General Plan Referral as required by Section 4.105 of the**  
13 **Charter and Section 2A.53 of the Administrative Code; is consistent with the Eight**  
14 **Priority Policies of City Planning Code Section 101.1; adopting that the**  
15 **sale/conveyance is "Categorically Exempt" from environmental review under Class 12-**  
16 **Surplus Government Property Sales under CEQA Guidelines; and authorizing City's**  
17 **Director of Property to execute documents, make certain modifications and take certain**  
18 **actions in furtherance of this resolution.**

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20 WHEREAS, the City and County of San Francisco (City) owns certain real property  
21 under the jurisdiction of San Francisco Public Utilities Commission (SFPUC) in its watershed  
22 lands for the San Antonio Reservoir located adjacent to California State Highway 84 (aka Nile  
23 Canyon Road) in Alameda County; and

24 WHEREAS, the State of California acting through its California Department of  
25 Transportation (State) proposes to perform roadway improvements on State Highway 84 (aka

1 Nile Canyon Road) in Alameda County, to realign and improve sight distance ( the "Project");  
2 and,

3 WHEREAS, on November 24, 2008, City's Director of Property reviewed and  
4 concurred with State's conclusion of value for the subject fee parcels, identified as State  
5 Parcel Numbers 61010-1, 61010-2 and 61010-3 and easement rights identified as State  
6 Parcel Numbers 61010-4, 61010-5, 61010-6, 61010-7 and 61010-8 to be \$3,500 with an  
7 additional payment of \$2,500 for City's administration and legal fees for a total acquisition  
8 price of \$6,000; and

9 WHEREAS, The Director of Planning, by letter dated December 4, 2009, found that the  
10 conveyance of the necessary property rights for the Project, is consistent with the City's  
11 General Plan and with the Eight Priority Policies of Planning Code Section 101.1 and that the  
12 Project is Categorically Exempt from environmental review as they are Class 12-Surplus  
13 Government Property Sales , under CEQA guidelines, which letter is on file with the Clerk of  
14 the Board of Supervisors under File No. 101595, and which letter is incorporated herein by  
15 this reference; and

16 WHEREAS, A copy of the Agreement for Sale of Real Estate (the "Sale Agreement")  
17 between the City, as seller, and State, as buyer, is on filed with the Clerk of the Board of  
18 Supervisors under File No. 101595, which is incorporated herein by this reference and is  
19 considered part of the record before this Board; and

20 WHEREAS, The SFPUC has by its Resolution No. 10-0094, dated June 8, 2010, a  
21 copy of which is on file with the Clerk of the Board in File No. 101595, declared the subject fee  
22 parcels and easement rights to be surplus to its needs, approved Sale Agreement and  
23 authorized the Director of Property to seek Board of Supervisors' approval of and, if approved  
24 to execute the necessary conveyance documents; now, therefore, be it  
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1           RESOLVED, That the Board of Supervisors of the City and County of San Francisco  
2 hereby finds that the Sale Agreement is consistent with the General Plan and with the Eight  
3 Priority Policies of City Planning Code Section 101.1 for the same reasons as set forth in the  
4 letter of the Director of Planning dated December 4, 2009, and hereby incorporates such  
5 findings by references as though fully set forth in this resolution; and be it

6           FURTHER RESOLVED, That in accordance with the recommendation of the Public  
7 Utilities Commission and the Director of Property, the Board of Supervisors hereby approves  
8 the Sale Agreement and the transaction contemplated thereby in substantially the form of  
9 such agreement presented to this Board; and be it

10          FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of  
11 Property to enter into any additions, amendments or other modifications to the Sale  
12 Agreement (including, without limitation, the attached exhibits) that the Director of Property,  
13 together with the City Attorney, determine are in the best interest of the City, do not decrease  
14 the revenues to the City, or do not materially increase the obligations or liabilities of either  
15 SFPUC or the City and are advisable to complete the transaction contemplated by the Sale  
16 Agreement and to effectuate the purpose and intent of this resolution such determination to be  
17 conclusively evidenced by the execution and delivery by the Director of Property of the Sale  
18 Agreement and any additions or amendments thereto; and, be it

19          FURTHER RESOLVED, That the Director of Property is hereby authorized and urged  
20 in the name and on behalf of the City and County, to executed the Sale Agreement for the  
21 sale of fee interest and easement rights with the State in accordance with the terms and  
22 conditions of the Sale Agreement, an do take any all steps (including, but not limited to, the  
23 execution and delivery of any and all certificates, agreements, notices, consents, escrow  
24 instructions, closing documents and other instruments or documents) as the Director of  
25 Property deems necessary or appropriate pursuant to the Sale Agreement, or to otherwise

1 effectuate the purpose and intent of this resolution; such determination to be conclusively  
2 evidenced by the execution and delivery by the Director of Property of any such documents.  
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4 RECOMMENDED:  
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8 Amy L. Brown  
9 Director of Property  
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