

1 [Purchase Agreement - Permanent Tie-Back Easement and a Temporary Construction
2 Easement - San Mateo County - \$87,570]

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4 **Resolution approving and authorizing an agreement for the purchase of a permanent**
5 **tie-back easement and a temporary construction easement over, on, and in portions**
6 **of Assessor's Parcel Number 038-200-020 located in the Town of Hillsborough, San**
7 **Mateo County and required for the Crystal Springs Pipeline No. 2 Replacement**
8 **Project known as Project No. CUW37801 (the Project) for a purchase price of**
9 **\$87,570; adopting findings under the California Environmental Quality Act (CEQA);**
10 **adopting findings that the conveyance is consistent with the City's General Plan and**
11 **Eight Priority Policies of City Planning Code Section 101.1; and authorizing the**
12 **Director of Property to execute documents, make certain modifications, and take**
13 **certain actions in furtherance of this resolution.**

14
15 WHEREAS, The San Francisco Public Utilities Commission ("SFPUC") has
16 developed a project known as the Crystal Springs Pipeline No. 2 Replacement Project,
17 (also commonly referred to as the CSPL2 System Project, Project No.CUW37801, and
18 herein as the "Project"), a water infrastructure project funded as part of the Water System
19 Improvement Program (WSIP) 2002 bond measure. The Project is located in the City of
20 Burlingame, City of Daly City, City of San Bruno, City of Millbrae, City of South San
21 Francisco, Town of Hillsborough, and San Mateo County. The Project includes the
22 upgrade of CSPL2 to meet current seismic standards and to minimize interruption of water
23 delivery following a seismic event; and

24 WHEREAS, the objectives of the Project are to improve delivery reliability and
25 provide operational flexibility during maintenance activities or unplanned outages, as well

1 as to replenish local reservoirs after such events; and

2 WHEREAS, The San Francisco Planning Department prepared an environmental
3 impact report ("EIR") for the Project as required by CEQA, located in Planning Department
4 File No. 2007.01 18E; and

5 WHEREAS, The Final EIR ("FEIR") for the Project was certified by the San
6 Francisco Planning Commission on September 30, 2010 by Motion No. 18181; and

7 WHEREAS, On October 15, 2010, the San Francisco Public Utilities Commission
8 (SFPUC) approved Resolution No. 10-0174, a copy of which is on file with the Clerk of the
9 Board of Supervisors under File No. 101304, which is incorporated herein by this reference
10 and is considered part of the record before this Board, by which the SFPUC: (1) approved
11 the Project; (2) adopted findings (CEQA Findings), including the statement of overriding
12 considerations, and a Mitigation Monitoring and Reporting Program ("MMRP") required by
13 CEQA; and (3) authorized the General Manager to seek the Board of Supervisors'
14 approval of and, if approved, to execute certain necessary agreements and deeds, which
15 the SFPUC staff will pursue and submit to the Board of Supervisors at a later date; and

16 WHEREAS, The Project files, including the FEIR and SFPUC Resolution No. 10-
17 0174 have been made available for review by the Board and the public, and those files are
18 considered part of the record before this Board; and

19 WHEREAS, The Board of Supervisors has reviewed and considered the information
20 and findings contained in the FEIR and SFPUC Resolution No. 10-0174 , and all written
21 and oral information provided by the Planning Department, the public, relevant public
22 agencies, SFPUC, and other experts and the administrative files for the Project; and

23 WHEREAS, This Board, by Resolution No. 546-10 adopted on November 18, 2010,
24 a copy of which is on file with the Clerk of the Board of Supervisors in File No. _____
25 and which is incorporated herein by this reference and considered part of the record before

1 this Board, adopted findings under CEQA related to the Project, including the statement of
2 overriding considerations and the MMRP; and

3 WHEREAS, A copy of the proposed Agreement For Purchase and Sale of Real
4 Estate (the "Purchase Agreement") between the City, as buyer, and Christian DeGuigne IV,
5 as Trustee under the Christian DeGuigne IV Revocable Trust u/t/a/ date January 24, 2002,
6 as seller ("Seller"), is on file with the Clerk of the Board of Supervisors under File No.
7 _____, which is incorporated herein by this reference and is considered part of the
8 record before this Board; and,

9 WHEREAS, The Director of Property has concurred with the PUC General
10 Manager's determination that the purchase price reflects a reasonable settlement price for
11 the permanent tie-back easement and temporary construction easement and,

12 WHEREAS, The Director of Planning, by letter dated November 29, 2010, as
13 amended by letter dated May 23, 2011, found that the purchase of all the necessary
14 property rights for the Project, is consistent with the City's General Plan and with the Eight
15 Priority Policies of City Planning Code Section 101.1, which letter is on file with the Clerk of
16 the Board of Supervisors under File No. _____, and which letter is incorporated herein
17 by this reference; now, therefore, be it

18 RESOLVED, The Board has reviewed and considered the FEIR and record as a
19 whole, finds that the FEIR is adequate for its use as the decision making body for the action
20 taken herein and hereby incorporates by reference the CEQA findings contained in
21 Resolution No. 546-10; and be it

22 FURTHER RESOLVED, The Board finds that the Project mitigation measures adopted
23 by the SFPUC will be implemented as reflected in and in accordance with the MMRP; and be
24 it
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1 FURTHER RESOLVED, The Board finds that since the FEIR was finalized, there
2 have been no substantial Project changes and no substantial changes in the Project
3 circumstances that would require major revisions to the FEIR because of new significant
4 environmental effects or an increase in the severity of previously identified significant
5 impacts, and there is no new information of substantial importance that would change the
6 conclusions set forth in the FEIR; and, be it

7 FURTHER RESOLVED, That the Board of Supervisors of the City and County of
8 San Francisco hereby finds that the Purchase Agreement is consistent with the General
9 Plan and with the Eight Priority Policies of city planning Code Section 101.1 for the same
10 reasons as set forth in the letter of the Director of Planning dated November 29, 2010, as
11 amended by letter dated May 23, 2011, and hereby incorporates such findings by
12 references as though fully set forth in this resolution; and, be it

13 FURTHER RESOLVED, That in accordance with the recommendations of the Public
14 Utilities Commission and the Director of Property, the Board of Supervisors hereby
15 approves the Purchase Agreement and the transaction contemplated thereby in
16 substantially the form of such agreement presented to this Board; and, be it

17 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
18 Property to enter into any additions, amendments, or other modifications to the Purchase
19 Agreement (including, without limitation, the attached exhibits) that the Director of Property
20 determines are in the best interest of the City, that do not increase the purchase price for
21 the road easement or otherwise materially increase the obligations or liabilities of the City,
22 and are necessary or advisable to complete the transaction contemplated in the Purchase
23 Agreement and effectuate the purpose and intent of this resolution, such determination to
24 be conclusively evidenced by the execution and delivery by the Director of Property of the
25 Purchase Agreement and any amendments thereto; and, be it

1 FURTHER RESOLVED, That the Director of Property is hereby authorized and
2 urged, in the name and on behalf of the City and County, to accept the deed to the road
3 easements from the Seller upon the closing in accordance with the terms and conditions of
4 the Purchase Agreement, and to take any and all steps (including, but not limited to, the
5 execution and delivery of any and all certificates, agreements, notices, consents, escrow
6 instructions, closing documents, and other instruments or documents) as the Director of
7 Property deems necessary or appropriate in order to consummate the conveyance of the
8 road easement pursuant to the Purchase Agreement, or to otherwise effectuate the
9 purpose and intent of this resolution, such determination to be conclusively evidenced by
10 the execution and delivery by the Director of Property of any such documents; and, be it

11 FURTHER RESOLVED, All actions heretofore taken by the Director of Property with
12 respect to the matters addressed in this Resolution are hereby approved, confirmed, and
13 ratified.

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15 RECOMMENDED:

Funds Available:

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17 _____
John Updike
Acting Director of Property

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19 _____
Controller

20 Appropriation: Index Code 737819
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