

File No. 110428

Committee Item No. 9

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee

Date: July 27, 2011

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
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OTHER

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Completed by: Victor Young

Date: July 22, 2011

Completed by: Victor Young

Date: _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

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

3
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. 101304 and
25 which is incorporated herein by this reference and considered part of the record before this

1 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 110428, which is incorporated herein by this reference and is considered part of the record
8 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. 110428, and which letter is incorporated herein by
17 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

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

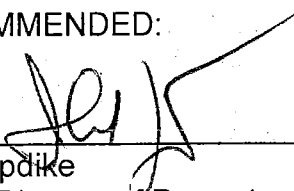
13 FURTHER RESOLVED, That in accordance with the recommendations of the Public
14 Utilities Commission and the Director of Property, the Board of Supervisors hereby
15 approves the Purchase Agreement and the transaction contemplated thereby in
16 substantially the form of such agreement presented to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

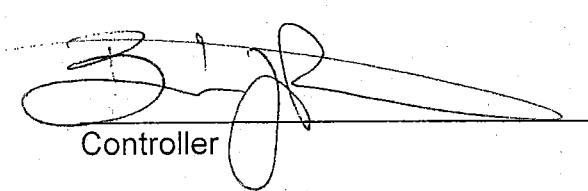
1 FURTHER RESOLVED, That the Director of Property is hereby authorized and
2 urged, in the name and on behalf of the City and County, to accept the deed to the road
3 easements from the Seller upon the closing in accordance with the terms and conditions of
4 the Purchase Agreement, and to take any and 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.

14 RECOMMENDED:

15 
16 _____
17 John Updike
18 Acting Director of Property

Funds Available:

19 
20 _____
21 Controller

22 Appropriation: Index Code 737819
23
24
25



John Updike
Acting Director of Real Estate

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2011 JUN -2 AM 9:35



May 31, 2011

PUC
Easement Acquisition
Crystal Springs Pipeline No. 2
Replacement Project
San Mateo County

Through Amy Brown, Acting City Administrator

Honorable Board of Supervisors
City & County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Dear Board Members:

Enclosed for your consideration is a Resolution authorizing an agreement to purchase a permanent tie-back easement and a temporary construction easement over and on portions of Assessor's Parcel Numbers 038-200-020 in the Town of Hillsborough, San Mateo County required for the Crystal Springs Pipeline No. 2 Replacement Project.

The easements are necessary to upgrade Crystal Springs Pipeline No. 2 to meet current seismic standards to and improve delivery reliability and provide operational flexibility during maintenance activities. The purchase price for the easement is \$87,570 pursuant to an Administrative Settlement authorized by the PUC General Manager on March 14, 2011.

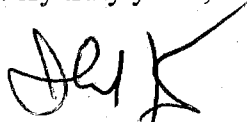
In addition to the Resolution, enclosed are:

1. Agreement for Purchase and Sale of Real Estate.
2. Public Utilities Commission Resolution No. 10-0174 approving the acquisition of these easements and all other property interests for the project.
3. City Planning's letter dated November 29, 2010, as amended by letter dated May 23, 2011, stating that the proposed acquisition for this project is in conformance with the general plan.
4. Administrative Settlement Memo authorized by PUC General Manager

5. Form SFEC – 126: Notification of Contract Approval

Should you have any questions or need additional information, do not hesitate to call Marta Bayol of our office at 554-9865.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. Updike', with a long horizontal stroke extending to the right.

John Updike
Acting Director of Real Estate

cc: Amy Brown, Acting City Administrator
w/ Resolution;
Richard Handel, Deputy City Attorney
Brian Morelli, PUC
Cindy Lee, PUC
Nathan Purkiss, PUC

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 10-0174

WHEREAS, San Francisco Public Utilities Commission (SFPUC) staff has developed a project description under the Water System Improvement Program (WSIP) for the improvements to the regional water supply system, otherwise known as Project No. CUW37801, Crystal Springs Pipeline No.2 (CSPL2) Replacement Project (Project); and

WHEREAS, The objectives of the CSPL2 Project are to:

- Upgrade the CSPL2 to meet current seismic standards and WSIP seismic reliability level-of-service (LOS) goals;
- Upgrade the CSPL2 to extend its service life to meet the WSIP program guidelines in a timely and expeditious manner;
- Minimize interruptions of water delivery during and following a seismic event by replacing or sliplining seismically vulnerable segments of the pipeline, strengthening pipeline support piers at stream crossings, and minimizing the effects of weathering by recoating exposed pipes and upgrading the cathodic protection system;
- Provide water system operation and maintenance flexibility within the Peninsula region water delivery system;
- Reduce the physical, social, and economic impacts associated with the potential rupture of the existing CSPL2 during a major earthquake; and

WHEREAS, On September 30, 2010, the Planning Commission reviewed and considered the Final Environmental Impact Report (EIR) in Planning Department File No. 2005.0963E, consisting of the Draft EIR, the Comments and Responses document and Errata Sheet(s), and found that the contents of said report and the procedures through which the Final EIR was prepared, publicized and reviewed complied with the provisions of the California Environmental Quality Act (CEQA), the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code and found further that the Final EIR reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the Draft EIR, and certified the completion of said Final EIR in compliance with CEQA and the CEQA Guidelines in its Motion No. 18181; and

WHEREAS, By this resolution, the SFPUC intends to approve the Modified Bridge Design Alternative (analyzed in the Final EIR as Alternative 2 to the proposed project) and, therefore, the Modified Bridge Design Alternative is referred to herein as the Project; and

WHEREAS, The Final EIR identified the Project as the environmentally superior alternative under CEQA; and

WHEREAS, This Commission has reviewed and considered the information contained in the Final EIR, all written and oral information provided by the Planning Department, the public, relevant public agencies, SFPUC and other experts and the administrative files for the Project and the Final EIR; and

WHEREAS, The Project and Final EIR files have been made available for review by the SFPUC and the public in File No. 2005.0963E, at 1650 Mission Street, Fourth Floor, San Francisco, California; and those files are part of the record before this Commission; and

WHEREAS, SFPUC staff prepared proposed findings (CEQA Findings), as required by CEQA, in Attachment A to this Resolution and a proposed Mitigation, Monitoring and Reporting Program (MMRP) in Attachment B to this Resolution, which material was made available to the public and the Commission for the Commission's review, consideration and action; and

WHEREAS, The Project is a capital improvement project approved by this Commission as part of the Water System Improvement Program (WSIP); and

WHEREAS, A Final Programmatic Environmental Impact Report was prepared for the WSIP and certified by the Planning Commission on October 30, 2008, by Motion No. 17734; and

WHEREAS, Thereafter, the SFPUC approved the WSIP and adopted findings and a MMRP as required by CEQA on October 30, 2008, by Resolution No. 08-200; and

WHEREAS, The Project includes work located in the City of Burlingame, City of Daly City, City of San Bruno, City of Millbrae, City of South San Francisco, Town of Hillsborough, and San Mateo County (collectively, Local Agencies); and

WHEREAS, The Project may require that the SFPUC obtain permits, consents, or enter into Memoranda of Agreements (MOAs), or other agreements with or from CalTrans and Local Agencies, or obtain various necessary encroachment permits or other permits for temporary construction activities in public or private land, and these permits and agreements shall be consistent with SFPUC existing fee or easement interests, where applicable; and

WHEREAS, The SFPUC has issued easements, leases, permits, or licenses to certain parties to use for various purposes portions of City-owned property along the SFPUC right-of-way where the Project work will occur, and in some instances other parties hold property rights or interests on lands on, along, over, under, adjacent to or in the vicinity of the right-of-way, and it may be necessary for the General Manager, or his designee, to: (a) exercise rights under any such deed, easement, lease, permit, or license or (b) negotiate and execute new or amended easements, leases, permits, licenses, or encroachment removal or other project related agreements or consents (each, a Use Instrument) with owners or occupiers of property interests or utility facilities or improvements on, along, over, under, adjacent to or in the vicinity of, City property with respect to uses and structures, fences, and other above-ground or subterranean improvements or interests, orchards, trees, or other vegetation, or to implement Project mitigation measures or accommodate Project construction activities and schedule; and

WHEREAS, The SFPUC staff will: (a) in compliance with Government Code Section 7260 et seq. statutory procedures pursue possible acquisition of temporary or permanent easement interests in real property over and upon: (i) Assessor's Parcel No. 135-041-009A owned by the Pacific Gas & Electric Company (PG&E), (ii) Assessor's Parcel No. 038-181-310 owned by the Town of Hillsborough, (iii) Assessor's Parcel No. 038 271 090 owned by Gladys and Thomas Callan, (iv) Assessor's Parcel No. 038 200 020 owned by Christian Deguigne, (v) Assessor's Parcel No. 032 340 290 owned by Lionel Carnot, and (vi) Assessor's Parcel No. 031 213 010 owned by Joe Gardiner; and (b) negotiate for and possibly acquire temporary easement rights over and upon two parcels of real property adjacent to El Camino Real located in, and owned by, the City of Millbrae, for a total amount estimated to not exceed \$250,000; and

WHEREAS, Implementation of the Project will involve consultation with, or required approvals by, state, federal, and local regulatory agencies, including but not limited to the following: U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service, National Marine Fisheries Service, CalTrans, State Historic Preservation Officer, California Department of Fish and Game, San Francisco Regional Water Quality Control Board, Bayshore Sanitary District, California Department of Toxic Substances Control, and Bay Area Air Quality Management District (collectively, Regulatory Agencies); now, therefore, be it

RESOLVED, This Commission has reviewed and considered the Final EIR, finds that the Final EIR is adequate for its use as the decision-making body for the actions taken herein, and hereby adopts the CEQA Findings, including the Statement of Overriding Considerations, attached hereto as Attachment A and incorporated herein as part of this Resolution by this reference thereto, and adopts the MMRP attached to this Resolution as Attachment B and incorporated herein as part of this Resolution by this reference thereto, and authorizes a request to the Board of Supervisors to adopt the same CEQA Findings, Statement of Overriding Considerations and MMRP; and be it

FURTHER RESOLVED, That this Commission hereby approves Project No. CUW37801 Crystal Springs Pipeline No.2 Replacement Project - Modified Bridge Design Alternative, and authorizes SFPUC staff to proceed with actions necessary to implement the Project consistent with this Resolution, including advertising for construction bids, provided, however, that staff will return to seek Commission approval for award of the construction contract(s); and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to apply for and execute various necessary permits, encroachment permits or other agreements, including MOAs, with CalTrans and Local Agencies, which shall be consistent with SFPUC's existing fee or easement interests, where applicable. To the extent that the terms and conditions of the permits or agreements will require SFPUC to indemnify the respective jurisdictions, those indemnity obligations are subject to review and approval by the San Francisco Risk Manager. The General Manager is authorized to agree to such terms and conditions, including but not limited to those relating to maintenance, repair and relocation of improvements, that are in the public interest, and in the judgment of the General Manager, in consultation with the City Attorney, are reasonable and appropriate for the scope and duration of the requested use as necessary for the Project; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to exercise any right as necessary under any deed or Use Instrument and negotiate and execute new or amended Use Instruments, if necessary for the Project and subject to any applicable approvals, with owners or occupiers of property interests or utility facilities or improvements on, along, over, under, adjacent to, or in the vicinity of the SFPUC right-of-way, in a form that the General Manager determines is in the public interest and is acceptable, necessary, and advisable to accommodate Project construction activities and schedule, carry out Project-related mitigation measures, and to otherwise effectuate the purposes and intent of this Resolution, in compliance with the Charter and all applicable laws, and in such form approved by the City Attorney; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to consult with, or apply for, and, if necessary, seek Board of Supervisors' approval, and if approved, to accept and execute permits or required approvals, and to execute such other agreements as may be necessary to implement permit terms and conditions or otherwise comply with the regulatory requirements of the Regulatory Agencies, including terms and conditions that are within the lawful authority of the agency to impose, in the public interest, and, in the judgment of the General Manager, in consultation with the City Attorney, are reasonable and appropriate for the scope and duration of the requested permit or approval, as necessary for the Project; and be it

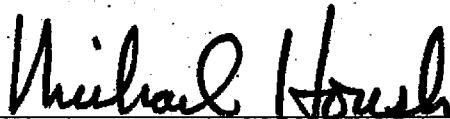
FURTHER RESOLVED, That this Commission hereby authorizes the General Manager to (a) undertake the process, in compliance with Government Code Section 7260 et seq., the San Francisco Charter, and all applicable laws, for possible acquisition of temporary or permanent easement rights over and upon real property in (i) Assessor's Parcel No. 135-041-009A owned by PG&E, (ii) Assessor's Parcel No. 038-181-310 owned by the Town of Hillsborough, (iii) Assessor's Parcel No. 038 271 090 owned by Gladys and Thomas Callan, (iv) Assessor's Parcel No. 038 200 020 owned by Christian Deguigne, (v) Assessor's Parcel No. 032 340 290 owned by Lionel Carnot, (vi) Assessor's Parcel No. 031 213 010 owned by Joe Gardiner, (b) in compliance with the San Francisco Charter and all applicable laws, negotiate for and possibly acquire temporary easement rights over and upon two parcels of real property adjacent to El Camino Real located in, and owned by, the City of Millbrae; and (c) to work with the Director of Real Estate to accept and execute the real property agreements authorized herein, subject to obtaining Board approval, if required; and be it

FURTHER RESOLVED, The General Manager will confer with the Commission during the negotiation process on real estate agreements and financial assurances, as necessary, and report to the Commission on all agreements submitted to the Board of Supervisors for approval. Notwithstanding the authority granted to the General Manager by this Resolution, the General Manager is not authorized to dispose of any right-of-way or other SFPUC interest in real property, in any manner, including by sale, trade or transfer, without approval by the SFPUC pursuant to Charter Section 8B124; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager, or his designee, to enter into any subsequent additions, amendments or other modifications to the permits, licenses, encroachment removal agreements, leases, easements, and other Use Instruments, real property agreements, financial assurances, transmission agreements, MOAs or amendments thereto, as described herein, that the General Manager, in consultation with the City Attorney, determines are in the best interests of the SFPUC and the City, do not materially decrease the benefits to the SFPUC or the City, and do not materially increase the obligations or liabilities of the SFPUC or the City, subject to Board of Supervisors' approval, where required, such determination to be conclusively evidenced by the execution and delivery of any such additions, amendments, or other modifications.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of _____

October 15, 2010



Secretary, Public Utilities Commission

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

City and County of San Francisco
Public Utilities Commission
1145 Market Street, 7th Floor
San Francisco, California 94103
Attn: Right of Way Manager

The undersigned hereby declares this instrument to be
exempt from Recording Fees (Govt. Code § 27383) and
Documentary Transfer Tax (Rev. & Tax. Code §11922).

(Space above this line reserved for Recorder's use only)

EASEMENT DEED
(Soil Nail Easement)

(Portion of Assessor's Parcel No. 038-200-020)

1. Grant of Easement. FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, CHRISTIAN DEGUIGNE IV, AS TRUSTEE UNDER THE CHRISTIAN DEGUIGNE IV REVOCABLE TRUST U/T/A DATE JANUARY 24, 2002 ("**Grantor**") hereby grants to the CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation ("**Grantee**") a permanent soil nail easement, including the right to install, maintain, repair, and, if necessary, replace subsurface soil nails (the "**Easement**") in, under, along, and across Grantor's real property in the Town of Hillsborough, San Mateo County,, California, in the specific location described in attached **Exhibit A** (the "**Easement Area**") for the purpose of lateral support of a trench wall located on a portion of Grantee's adjacent pipeline easement, which pipeline easement is described in the Final Judgment of Condemnation recorded in Book 1314 of Deeds page 404 on January 27, 1947 ("**Grantee's Easement**") to be excavated in connection with the replacement or improvement of Grantee's pipelines also located on "Grantee's Easement". The **Easement** includes such rights as are reasonably necessary for the full enjoyment and accomplishment of the purposes of the Easement. Grantee's rights under this Deed may be exercised by Grantee's agents, contractors, subcontractors, suppliers, consultants, employees, licensees, invitees, or representatives, or by other authorized persons acting for or on behalf of Grantee.

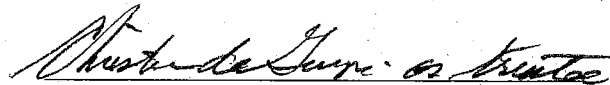
2. Grantor's Reserved Rights. Grantor reserves the right to use the Easement Area for purposes that will not interfere with Grantee's full enjoyment of the rights hereby granted, such as pasturage and gardening; provided that Grantor and its successors or assigns shall not excavate, erect, place, or construct any permanent building or other structures, place underground utilities, drill or operate any well, or construct any reservoir or other obstruction within the Easement Area, or diminish, or install anything that will interfere with, the rights herein granted to Grantee within the Easement Area.

3. **Run with the Land.** The provisions of this Easement Deed shall run with the land, burden the Easement Area for the benefit of Grantee's Property, and bind and inure to the benefit of the respective successors and assigns of Grantee and Grantor. In the event Grantor sells, conveys or assigns any property interest encumbered by the Agreement, Grantor shall notify the successor or assignee of the rights and obligations of both parties as stated herein.

4. **Exhibits.** The Exhibits referenced in this Deed are attached to and made a part of this Deed.

Executed as of this _____ day of _____, 20__.

GRANTOR:



Christian Deguigne IV, as trustee under the
Christian Deguigne IV revocable trust u/t/a
date January 24, 2002

3/14/11

APPROVED AS TO FORM:

DENNIS J. HERRERA, City Attorney

By: 

Richard Handel
Deputy City Attorney


State of California)

County of San Mateo)

On March 14, 2011, before me, Alesia Strauch, Notary Public a notary public in and for said State, personally appeared Christian Deguigne, Jr, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 

(Seal)



CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by this deed dated _____, from the Grantor to the City and County of San Francisco, is hereby accepted pursuant to Board of Supervisors' Resolutions No. 18110 Series of 1939, approved August 7, 1957, and No. _____, approved October __, 2010, and the grantee consents to recordation thereof by its duly authorized officer.

Dated: _____

By: _____

JOHN UPDIKE

Acting Director of Property

EXHIBIT A TO SOIL NAIL EASEMENT DEED

Description of Easement Area

[See next page]

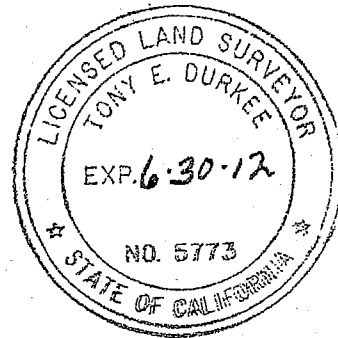
Tie-Back Easement
Site #7
Crystal Springs Pipeline No. 2

Commencing at an angle point on the southeasterly right-of-way line of the easement described in the Final Judgment of Condemnation benefitting the City and County of San Francisco and recorded in Book 1314 of Official Records page 404 on January 27, 1947 in the Office of the County Recorder of San Mateo County, said angle point being between the first and second courses after the point of commencement being North 57° 24' 15" East 5.01 feet and North 78° 32' 15" East 149.86 feet; thence along said southeasterly right-of-way line of the easement North 78° 32' 15" East 147.014 feet to an angle point therein;
thence North 89° 44' 00" East 10.00 feet;
thence at a right angle South 00° 16' 0" East 30.00 feet;
thence South 89° 44' 00" West 7.06 feet to an angle point offset 30.00 feet from the aforesaid first and second courses;
thence South 78° 32' 15" West 144.074 feet;
thence at a right angle North 11° 27' 45" West 30.00 feet to the point of beginning.

Being 4,622 square feet of Assessor's Parcel Number 038-200-020.

This description was prepared by me or under my direction in conformance with the Land Surveyor's Act.

Tony E. Durkee 1.24.11
Tony E. Durkee, PLS5773
License Expires 06/30/2012





SAN FRANCISCO PLANNING DEPARTMENT

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

General Plan Referral JUN -2 AM 9:37

BY: RBC

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: November 29, 2010

Case No. Case No. 2008.0744R
PUC Crystal Springs Pipeline No. 2 Construction Easements

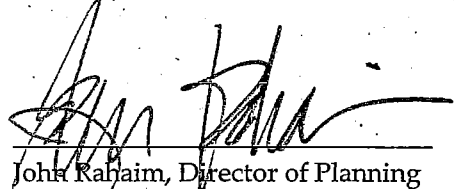
Block/Lot No.: Assessor's Parcel Nos: [Out of County] 038-181-310, 038-200-020, 031-213-010, 032-340-290, [PG&E property]

Project Sponsor: Marta Bayol
City and County of San Francisco Real Estate Division
Bureau of Environmental Management
25 Van Ness Avenue, Suite 400
San Francisco, CA 94102

Applicant: Same as Above

Staff Contact: Mat Snyder – (415) 575-6891
mathew.snyder@sfgov.org

Recommendation: Finding the project, on balance, in conformity with the General Plan.

Recommended By: 
John Rahaim, Director of Planning

PROJECT DESCRIPTION

The proposal is to accept five temporary construction easements related to upgrades of the San Francisco Public Utility Commission's (PUC's) Crystal Springs Pipeline No. 2 Project (CSPL2). CSPL2 project is part of the PUC's Water System Improvement Program (WSIP), which seeks to upgrade the water system to improve water quality, water delivery, seismic reliability, and drought management.

CSPL2 extends from the Crystal Springs Pump House in San Mateo County to a terminal reservoir in San Francisco serving customers along the route. Several customer turnouts along the pipeline provide water to Burlingame, Millbrae, and Hillsborough.

**GENERAL PLAN REFERRAL
CRYSTAL SPRINGS PIPELINE NO. 2 REPLACEMENT --
CONSTRUCTION EASEMENTS**

CASE NO. 2008.0744R

The City Distribution Division (CDD) has anticipated that portions of the pipeline, which was originally installed in the 1930s, will need to be replaced over the next ten years. Construction activity will include, but not be limited to, pipe replacement at some sites, pipe improvements at others, and enhancement of corrosion protection systems throughout.

SITE DESCRIPTION AND PRESENT USE

The subject five subject parcels are located in San Mateo County in Hillsborough, Burlingame, and Daly City. One lot is owned by the City of Hillsborough, another by PG&E, and the remaining three by private parties.

ENVIRONMENTAL REVIEW

The San Francisco Planning Commission certified an Environment Impact Report for the CSPL2 on September 30, 2010.

GENERAL PLAN COMPLIANCE AND BASIS FOR RECOMMENDATION

The Project is consistent with the Eight Priority Policies of Planning Code Section 101.1 as described in the body of this letter and is, on balance, **in-conformity** with the following Objectives and Policies of the General Plan:

COMMUNITY SAFETY ELEMENT

POLICY 2.10 Identify and replace vulnerable and critical lifelines in high-risk areas.

The Water Department and the Department of Public Works have ongoing programs to replace vulnerable water mains and sewers and to improve performance of the systems during earthquakes by including system segmentation, safety shut-off systems and redundant back-up systems or other methods of reducing damage and providing alternative sources of service.

The Project will enable replacement and upgrading of a critical water pipeline, bringing it up to seismic safety standards and better assuring water delivery in the event of an earthquake. Along with pipeline replacement and improvement, the project includes upgrading the pipeline's corrosion protection system.

ENVIRONMENTAL PROTECTION ELEMENT

OBJECTIVE 2 IMPLEMENT BROAD AND EFFECTIVE MANAGEMENT OF NATURAL RESOURCES.

OBJECTIVE 5 ASSURE A PERMANENT AND ADEQUATE SUPPLY OF FRESH WATER TO MEET THE PRESENT AND FUTURE NEEDS OF SAN FRANCISCO.

GENERAL PLAN REFERRA
CRYSTAL SPRINGS PIPELINE NO. 2 REPLACEMENT --
CONSTRUCTION EASEMENTS

CASE NO. 2008.0744R

POLICY 5.1 Maintain an adequate water distribution system within San Francisco.

POLICY 5.3 Ensure water purity.

OBJECTIVE 6 CONSERVE AND PROTECT THE FRESH WATER RESOURCE.

POLICY 6.1 Maintain a leak detection program to prevent the waste of fresh water.

The construction easements will enable upgrading of the Crystal Springs facility so that fresh water delivery can be better assured for residents, workers, and visitors of San Francisco as well as peninsula customers, thereby helping to assure water delivery in the event of an earthquake. Improvements will also include upgrading the pipe corrosion protection system.

PROPOSITION M FINDINGS – PLANNING CODE SECTION 101.1

Planning Code Section 101.1 establishes Eight Priority Policies and requires review of discretionary approvals and permits for consistency with said policies. The Project is found to be consistent with the Eight Priority Policies as set forth in Planning Code Section 101.1 for the following reasons:

Eight Priority Policies Findings

The subject project is found to be consistent with the Eight Priority Policies of Planning Code Section 101.1 in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

The Project would have no adverse effect on neighborhood serving retail uses or opportunities for employment in or ownership of such businesses.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhood.

The Project would have no adverse effect on the City's housing stock or on neighborhood character. The existing housing and neighborhood character will be not be negatively affected

3. That the City's supply of affordable housing be preserved and enhanced.

The Project would have no adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The Project would not result in commuter traffic impeding MUNI's transit service, overburdening the streets or altering current neighborhood parking.

GENERAL PLAN REFERRAL
CRYSTAL SPRINGS PIPELINE NO. 2 REPLACEMENT --
CONSTRUCTION EASEMENTS

CASE NO. 2008.0744R

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for residential employment and ownership in these sectors be enhanced.

The Project would not affect the existing economic base in this area.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project would not adversely affect achieving the greatest possible preparedness against injury and loss of life in an earthquake. The project will further the City's goal of being well prepared for a natural disaster by seismically upgrading the water facility.

7. That landmarks and historic buildings be preserved.

The project does not involve any historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development.

The Project would have no adverse effect on parks and open space or their access to sunlight and vista.

RECOMMENDATION:

Finding the Project, on balance, in-conformity with the General Plan .

I:\Citywide\General Plan\General Plan Referrals\2010\2008.0744R Crystal springs Pipeline No. 2 Construction Easements.doc



SAN FRANCISCO PLANNING DEPARTMENT

General Plan Referral

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: May 23, 2011

Case No. Case No. 2008.0744R
PUC Crystal Springs Pipeline No. 2 Construction Easements
addendum to original General Plan Referral

[note: underlines indicate changed or added text from original General Plan Referral dated November 29, 2010]

Block/Lot No.: Assessor's Parcel Nos: [Out of County] 038-181-310, 038-200-020, 031-213-010, 032-340-290, [PG&E property]

Project Sponsor: John Updike
Acting Director
City and County of San Francisco Real Estate Division
25 Van Ness Avenue, Suite 400
San Francisco, CA 94102

Applicant: Same as Above

Staff Contact: Mat Snyder – (415) 575-6891
mathew.snyder@sfgov.org

Recommendation: Finding the project, on balance, in conformity with the General Plan.

Recommended By: 
John Rahaim, Director of Planning

PROJECT DESCRIPTION

The proposal is to accept five temporary construction easements and one permanent tie-back easement related to upgrades of the San Francisco Public Utility Commission's (PUC's) Crystal Springs Pipeline No. 2 Project (CSPL2). CSPL2 project is part of the PUC's Water System Improvement Program (WSIP), which seeks to upgrade the water system to improve water quality, water delivery, seismic reliability, and drought management.

**GENERAL PLAN REFERRAL
CRYSTAL SPRINGS PIPELINE NO. 2 REPLACEMENT --
CONSTRUCTION EASEMENTS**

CASE NO. 2008.0744R

CSPL2 extends from the Crystal Springs Pump House in San Mateo County to a terminal reservoir in San Francisco serving customers along the route. Several customer turnouts along the pipeline provide water to Burlingame, Millbrae, and Hillsborough.

The City Distribution Division (CDD) has anticipated that portions of the pipeline, which was originally installed in the 1930s, will need to be replaced over the next ten years. Construction activity will include, but not be limited to, pipe replacement at some sites, pipe improvements at others, and enhancement of corrosion protection systems throughout.

SITE DESCRIPTION AND PRESENT USE

The subject five subject parcels are located in San Mateo County in Hillsborough, Burlingame, and Daly City. One lot is owned by the City of Hillsborough, another by PG&E, and the remaining three by private parties. Five of the easements were addressed in the original General Plan Referral Determination. This addendum is to recognize a that a sixth easement is needed in the Town of Hillsborough on Assessor's Parcel No. 038-200-020 on a permanent basis for tie-backs.

ENVIRONMENTAL REVIEW

The San Francisco Planning Commission certified an Environment Impact Report for the CSPL2 on September 30, 2010.

GENERAL PLAN COMPLIANCE AND BASIS FOR RECOMMENDATION

The Project is consistent with the Eight Priority Policies of Planning Code Section 101.1 as described in the body of this letter and is, on balance, **in-conformity** with the following Objectives and Policies of the General Plan:

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**GENERAL PLAN REFERRAL
CRYSTAL SPRINGS PIPELINE NO. 2 REPLACEMENT --
CONSTRUCTION EASEMENTS**

CASE NO. 2008.0744R

ENVIRONMENTAL PROTECTION ELEMENT

- OBJECTIVE 2** **IMPLEMENT BROAD AND EFFECTIVE MANAGEMENT OF NATURAL RESOURCES.**
- OBJECTIVE 5** **ASSURE A PERMANENT AND ADEQUATE SUPPLY OF FRESH WATER TO MEET THE PRESENT AND FUTURE NEEDS OF SAN FRANCISCO.**
- POLICY 5.1** **Maintain an adequate water distribution system within San Francisco.**
- POLICY 5.3** **Ensure water purity.**
- OBJECTIVE 6** **CONSERVE AND PROTECT THE FRESH WATER RESOURCE.**
- POLICY 6.1** **Maintain a leak detection program to prevent the waste of fresh water.**

The construction easements will enable upgrading of the Crystal Springs facility so that fresh water delivery can be better assured for residents, workers, and visitors of San Francisco as well as peninsula customers, thereby helping to assure water delivery in the event of an earthquake. Improvements will also include upgrading the pipe corrosion protection system.

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2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhood.

The Project would have no adverse effect on the City's housing stock or on neighborhood character. The existing housing and neighborhood character will not be negatively affected.

3. That the City's supply of affordable housing be preserved and enhanced.

GENERAL PLAN REFERRAL
CRYSTAL SPRINGS PIPELINE NO. 2 REPLACEMENT --
CONSTRUCTION EASEMENTS

CASE NO. 2008.0744R

The Project would have no adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The Project would not result in commuter traffic impeding MUNI's transit service, overburdening the streets or altering current neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for residential employment and ownership in these sectors be enhanced.

The Project would not affect the existing economic base in this area.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project would not adversely affect achieving the greatest possible preparedness against injury and loss of life in an earthquake. The project will further the City's goal of being well prepared for a natural disaster by seismically upgrading the water facility.

7. That landmarks and historic buildings be preserved.

The project does not involve any historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development.

The Project would have no adverse effect on parks and open space or their access to sunlight and vista.

RECOMMENDATION:

Finding the Project, on balance, in-conformity with the General Plan .

I:\Citywide\General Plan\General Plan Referrals\2010\2008.0744R Crystal springs Pipeline No. 2 Construction Easements.doc

MEMORANDUM

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 JUN -2 AM 9:37
BY RBC

DATE: March 14, 2011

TO: Ed Harrington, General Manager SFPUC

FROM: Susan Hou, SFPUC Project Manager; Brian Morelli, SFPUC Right of Way Manager; Richard Handel, Deputy City Attorney

PROJECT: Crystal Springs Pipeline No. 2 Project

SUBJECT: Administrative Settlement Discussion
Property Owner: Christian DeGuigne IV, Trustee
Assessor's Parcel Number: 038-200-020
Site Address: 891 Crystal Springs Road, Hillsborough, CA 94010

Summary

On October 29, 2010, AR/WS met with the owner and his representative, attorney Gregory Hampton, at the subject property to present SFPUC's first written offer of just compensation for a permanent sub-surface tieback easement and a temporary construction easement. The offer of just compensation was in the amount of \$56,500 based upon SFPUC's approved appraisal. The temporary construction easement consists of 6,440 square feet and the permanent tie-back easement consists of 4,622 square feet. The offer was based upon SFPUC's approved appraisal of the property rights at \$650,000 per acre.

Background

The subject property is a large single family residence comprised of approximately 47.70 acres in total and is located in the Town of Hillsborough. It is large estate even by comparison to other properties in the area. The temporary construction easement and the tie-back easement are located away from the residence. The acquisition areas are close to Crystal Springs Road and adjacent to SFPUC's existing right of way.

Mr. Deguigne's original counter-offer was approximately \$40,000 higher than SFPUC's first written offer for the property rights. The owner argued that the permanent easement right was tantamount to a fee purchase since the easement would prevent future building in the subject area and that the 75% of fee offered by SFPUC was inadequate. The owner also felt that SFPUC's valuation based upon \$650,000 per acre was too low – since the comparables used in the appraisal had an unadjusted sales range from \$866,718 to \$1,894,439 per acre. The appraiser arrived at the lower amount due to the limitations of the topography, unusually large size and lack of entitlements.

A settlement of \$87,570 for both easements was finally proposed by the owner. This amount represents 90% of fee value based upon the lowest unadjusted sales comparable of \$866,718 (or \$19.897/s.f.) for the permanent tie-back easement. The owner settled on the appraised value of the temporary construction easement at \$4,802.

Conclusion

The SFPUC may determine that an administrative settlement is reasonable, prudent, and in the public interest. Factors to consider in making this determination include, but are not limited to the following:

- The negotiated settlement figure is within the unadjusted range of comparable sales used in the City approved appraisal;
- Importance of the subject property in relation to the overall project;
- Agreements that avoid unnecessary litigation and congestion in the courts;
- Costs of trial and testimony. This process will consume six to nine months going through the legal system. Legal fees alone are estimated to be more than the settlement proposed herein.
- Encouraging settlements through negotiation in conformance with the Uniform Act and Government Code Section 7267.

Based on the above, you are hereby authorized to settle this transaction in the amount of \$87,570.

Administrative Settlement Approved

By: 

Ed Harrington, General Manager SFPUC

Date: _____

cc: Richard Handel – Deputy City Attorney
Bill Tannenbaum – AR/WS

** Complete copy of document is
located in

File No. 110428

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2011 JUN -2 AM 9:36

BY RBC

AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE

by and between

CHRISTIAN DEGUIGNE IV, AS TRUSTEE
under the Christian DeGuigne IV Revocable Trust u/t/a date January 24, 2002

as Seller

and

CITY AND COUNTY OF SAN FRANCISCO,

as Buyer

For the purchase and sale of

A temporary construction easement and a permanent tie-back easement over, in, and upon real
property in
Hillsborough, California

_____, 2011

FORM SFEC-126:
NOTIFICATION OF CONTRACT APPROVAL
(S.F. Campaign and Governmental Conduct Code § 1.126)

City Elective Officer Information <i>(Please print clearly.)</i>	
Name of City elective officer(s): Members, Board of Supervisors	City elective office(s) held: Members, Board of Supervisors
Contractor Information <i>(Please print clearly.)</i>	
Name of contractor: Christian DeGuigne IV, as Trustee under the Christian DeGuigne IV Revocable Trust u/t/a dated January 24, 2002	
Please list the names of (1) members of the contractor's board of directors; (2) the contractor's chief executive officer, chief financial officer and chief operating officer; (3) any person who has an ownership of 20 percent or more in the contractor; (4) any subcontractor listed in the bid or contract; and (5) any political committee sponsored or controlled by the contractor. Use additional pages as necessary.	
NA. Owned by the Christian DeGuigne IV Revocable Trust	
Contractor address: 891 Crystal Springs Road, Hillsborough, CA 94010	
Date that contract was approved: (By the SF Board of Supervisors)	Amount of contract: \$87,570.00
Describe the nature of the contract that was approved: Purchase of easement for the Crystal Spring Pipeline No. 2 Replacement Project.	
Comments:	

This contract was approved by (check applicable):

☐ the City elective officer(s) identified on this form

☒ a board on which the City elective officer(s) serves: San Francisco Board of Supervisors
Print Name of Board

☐ the board of a state agency (Health Authority, Housing Authority Commission, Industrial Development Authority Board, Parking Authority, Redevelopment Agency Commission, Relocation Appeals Board, Treasure Island Development Authority) on which an appointee of the City elective officer(s) identified on this form sits

Print Name of Board

Filer Information <i>(Please print clearly.)</i>	
Name of filer: Angela Calvillo, Clerk of the Board	Contact telephone number: (415) 554-5184
Address: City Hall, Room 244, 1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102	E-mail: Board.of.Supervisors@sfgov.org

Signature of City Elective Officer (if submitted by City elective officer)

Date Signed

Signature of Board Secretary or Clerk (if submitted by Board Secretary or Clerk)

Date Signed