

File No. 110217

Committee Item No. 11

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 |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget & Legislative Analyst Report |
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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 Access Road Easement and Temporary Construction
2 Easement - San Joaquin County]

3 **Resolution approving and authorizing an agreement for the purchase of a permanent**
4 **access road easement and a temporary construction easement over, on and in**
5 **portions of Assessor's Parcel Numbers 253-170-05 located in San Joaquin County,**
6 **required for the San Joaquin Pipeline System Project No. CUW37301 (the "Project")**
7 **for a purchase price of \$10,000; adopting findings under the California**
8 **Environmental Quality Act ("CEQA"); adopting findings that the conveyance is**
9 **consistent with the City's General Plan and Eight Priority Policies of City Planning**
10 **Code Section 101.1; and authorizing the Director of Property to execute documents,**
11 **make certain modifications and take certain actions in furtherance of this resolution.**

12
13 WHEREAS, The San Francisco Public Utilities Commission (SFPUC) has developed
14 a project known as the San Joaquin Pipeline System Project, (also commonly referred to as
15 the SJPL System Project, Project No.CUW37301, and herein as the "Project"), a water
16 infrastructure project included as part of the Water System Improvement Program (WSIP).
17 The Project is located in Tuolumne, Stanislaus, and San Joaquin Counties, beginning at
18 the Oakdale Portal in Tuolumne County, and ending at the Tesla Portal in San Joaquin
19 County. The Project includes, among other related features, the construction of two new
20 facility crossovers (Emery and Pelican), two new throttling stations (MP 50.57 Northeast of
21 Willms Road and MP 55.32), Oakdale Portal improvements including a new valve house,
22 upgrading the discharge valves at Cashman Creek and a new discharge valve at the
23 California Aqueduct, construction of a fourth pipeline segment (Eastern Segment
24 approximately 6.5 miles from Oakdale Portal (MP 49.84) to near Fogarty Road (MP 56.50)
25

1 and a tie-in vault), construction of a fourth pipeline segment (Western Segment
2 approximately 11 miles from west of the San Joaquin River to Tesla Portal), a new truss
3 bridge aerial structure to carry SJPL No. 4 over the California Aqueduct, and a discharge
4 structure at the Pelican Crossover involving intermittent drainage to the San Joaquin River,
5 and discharge of water to U.S. Fish and Wildlife Service San Joaquin River National
6 Wildlife Refuge, to irrigate a managed wetland area; and

7 WHEREAS, the objectives of the Project are to improve delivery reliability and
8 provide operational flexibility during maintenance activities or unplanned outages, as well
9 as to replenish local reservoirs after such events; and

10 WHEREAS, The Project is an improvement facility project approved by the SFPUC as
11 part of the Water System Improvement Program ("WSIP"); and

12 WHEREAS, A Final Program Environmental Impact Report ("PEIR") was prepared for
13 the WSIP and certified by the Planning Commission on October 30, 2008 by Motion No.
14 17734; and

15 WHEREAS, Thereafter the SFPUC approved the WSIP and adopted findings and a
16 Mitigation Monitoring and Reporting Program as required by the California Environmental
17 Quality Act ("CEQA") on October 30, 2008 by Resolution No. 08-0200; and

18 WHEREAS, an environmental impact report ("EIR") as required by CEQA was
19 prepared for the Project in Planning Department File No. 2007.01 18E; and

20 WHEREAS, The Final EIR ("FEIR") for the Project was certified by the San
21 Francisco Planning Commission on July 9, 2009 by Motion No. 17917; and

22 WHEREAS, The FEIR prepared for the Project is tiered from the PEIR, as
23 authorized by and in accordance with CEQA and the CEQA Guidelines; and

24 WHEREAS, On July 14, 2009, the San Francisco Public Utilities Commission
25 (SFPUC), by Resolution No. 09-0119, a copy of which is included in Board of Supervisors

1 File No. 090980 and which is incorporated herein by this reference: (1) approved the
2 Project; (2) adopted findings (CEQA Findings), including the statement of overriding
3 considerations, and a Mitigation Monitoring and Reporting Program ("MMRP") required by
4 CEQA; and (3) authorized the General Manager to seek the Board of Supervisors' approval
5 of and, if approved, to execute certain necessary agreements and deeds, which the
6 SFPUC staff will pursue and submit to the Board of Supervisors at a later date; and

7 WHEREAS, The Project files, including the FEIR, PEIR and SFPUC Resolution No.
8 09-0119 have been made available for review by the Board and the public, and those files
9 are considered part of the record before this Board; and

10 WHEREAS, The Board of Supervisors has reviewed and considered the information
11 and findings contained in the FEIR, PEIR and SFPUC Resolution No. 09-0119, and all
12 written and oral information provided by the Planning Department, the public, relevant
13 public agencies, SFPUC and other experts and the administrative files for the Project; and

14 WHEREAS, This Board, by Resolution No. 369-09 adopted on September 22, 2009,
15 a copy of which is on file with the Clerk of the Board of Supervisors in File No. 090980 and
16 which is incorporated herein by this reference and considered part of the record before this
17 Board, adopted findings under CEQA related to the Project, including the statement of
18 overriding considerations and the MMRP; and

19 WHEREAS, A copy of the proposed Agreement For Purchase and Sale of Real
20 Estate (the "Purchase Agreement") between the City, as buyer, and Garry L. DeWolf and
21 Christine DeWolf, husband and wife, as Community Property, as Seller, is on file with the
22 Clerk of the Board of Supervisors under File No. 110217, which is incorporated herein
23 by this reference and is considered part of the record before this Board; and,
24
25

1 WHEREAS, The Director of Property has concurred with the PUC General
2 Manager's determination that the purchase price reflects a reasonable settlement price for
3 the permanent access road easement and temporary construction easement; and,

4 WHEREAS, The Director of Planning, by letter dated June 29, 2009, found that the
5 purchase of all the necessary property rights for the Project, is consistent with the City's
6 General Plan and with the Eight Priority Policies of City Planning Code Section 101.1, which
7 letter is on file with the Clerk of the Board of Supervisors under File No. _____, and
8 which letter is incorporated herein by this reference; now, therefore, be it

9 RESOLVED, The Board has reviewed and considered the FEIR and record as a whole,
10 finds that the FEIR is adequate for its use as the decision making body for the action taken
11 herein and hereby incorporates by reference the CEQA findings contained in Resolution No.
12 369-09; and be it

13 FURTHER RESOLVED, The Board finds that the Project mitigation measures adopted
14 by the SFPUC will be implemented as reflected in and in accordance with the MMRP; and be
15 it

16 FURTHER RESOLVED, The Board finds that since the FEIR was finalized, there
17 have been no substantial project changes and no substantial changes in the Project
18 circumstances that would require major revisions to the FEIR due to the involvement of
19 new significant environmental effects or an increase in the severity of previously identified
20 significant impacts, and there is no new information of substantial importance that would
21 change the conclusions set forth in the FEIR; and, be it

22 FURTHER RESOLVED, That the Board of Supervisors of the City and County of
23 San Francisco hereby finds that the Purchase Agreement is consistent with the General
24 Plan and with the Eight Priority Policies of city planning Code Section 101.1 for the same
25 reasons as set forth in the letter of the Director of Planning dated June 29, 2009, and

1 hereby incorporates such findings by references as though fully set forth in this resolution;
2 and, be it

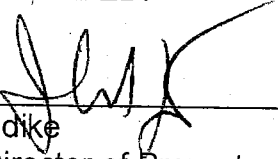
3 FURTHER RESOLVED, That in accordance with the recommendations of the Public
4 Utilities Commission and the Director of Property, the Board of Supervisors hereby
5 approves the Purchase Agreement and the transaction contemplated thereby in
6 substantially the form of such agreement presented to this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

7 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
8 Property to enter into any additions, amendments or other modifications to the Purchase
9 Agreement (including, without limitation, the attached exhibits) that the Director of Property
10 determines are in the best interest of the City, that do not increase the purchase price for
11 the easements or otherwise materially increase the obligations or liabilities of the City, and
12 are necessary or advisable to complete the transaction contemplated in the Purchase
13 Agreement and effectuate the purpose and intent of this resolution, such determination to
14 be conclusively evidenced by the execution and delivery by the Director of Property of the
15 Purchase Agreement and any amendments thereto; and, be it

16 FURTHER RESOLVED, That the Director of Property is hereby authorized and
17 urged, in the name and on behalf of the City and County, to accept the deeds to the
18 easements from the Seller upon the closing in accordance with the terms and conditions of
19 the Purchase Agreement, and to take any and all steps (including, but not limited to, the
20 execution and delivery of any and all certificates, agreements, notices, consents, escrow
21 instructions, closing documents and other instruments or documents) as the Director of
22 Property deems necessary or appropriate in order to consummate the conveyance of the
23 easements pursuant to the Purchase Agreement, or to otherwise effectuate the purpose
24 and intent of this resolution, such determination to be conclusively evidenced by the
25 execution and delivery by the Director of Property of any such documents; and, be it

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

4
5 RECOMMENDED:

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7 
8 John Updike
9 Acting Director of Property

Funds Available:

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12 Controller

13 Appropriation: Index Code 737312
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John Updike
Acting Director of Real Estate



May 20, 2011

PUC
Easement Acquisition
San Joaquin Pipeline System Project
San Joaquin 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 one permanent access road easement and one temporary construction easement over and on portions of Assessor's Parcel Numbers 253-170-05 in the City of Tracy, San Joaquin County required for the San Joaquin Pipeline System Project.

The easements are necessary to upgrade the San Joaquin Pipeline System Project to improve delivery reliability and provide operational flexibility during maintenance activities or unplanned outages. The purchase price for the easements is \$10,000 pursuant to an Administrative Settlement authorized by the PUC General Manager on April 13, 2011.

In addition to the Resolution, enclosed are:

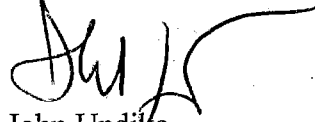
1. Agreement for Purchase and Sale of Real Estate.
2. Public Utilities Commission Resolution No. 10-0119 approving the acquisition of these easements and all other property interests for the project.
3. City Planning's letter dated June 29, 2009 stating that the proposed acquisitions for this project are in conformance with the general plan.
4. Administrative Settlement memo dated April 13, 2011.
5. Form SFEC - 126: Notification of Contract Approval

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BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAY 25 PM 1:11
BY

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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, sweeping horizontal line extending to the right.

John Updike
Acting Director of Real Estate

cc: Amy Brown, Acting City Administrator
w/ Resolution;
Hazel Brandt, Deputy City Attorney
Brian Morelli, PUC
Gary Dowd, PUC
Nathan Purkiss, PUC

** Complete copy of document is
located in

File No. 110217

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2011 MAY 25 PM 1:12

BY _____

RC

AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE

by and between

Garry L. DeWolf and Christine DeWolf,
husband and wife, as Community Property

as Seller

and

CITY AND COUNTY OF SAN FRANCISCO,

as Buyer

For the purchase and sale of

Permanent Access Road easement and a Temporary Access Road easement over,
in and upon real property in San Joaquin County, California

March 29, 2011

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 09-0119

WHEREAS, San Francisco Public Utilities Commission ("SFPUC") staff have developed a project description for Project No. CUW37301 San Joaquin Pipeline System Project ("SJPL" or "Project") under the Water System Improvement Program ("WSIP") for the improvements to the regional water supply system, and

WHEREAS, The objectives of the Project are to provide for a SJPL System flow of 313 million gallons per day (mgd) with all pipelines in service, and an average flow of 271 mgd when any one segment of the system is taken out of service for maintenance or repairs, or during an emergency, and to meet current customer demands as well as replenish local reservoirs to allow for maintenance activities and for the capability of removing any second pipeline segment from service, after any other segment has already been removed from service for maintenance, without discontinuing deliveries; and

WHEREAS, On July 9, 2009, the Planning Commission reviewed and considered the Final Environmental Impact Report ("Final EIR") in Planning Department File No. 2007.0118E, consisting of the Draft EIR, the Comments and Responses document (including a Supplement to the Comments and Responses Document) and an Errata Sheet dated July 1, 2009, 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. 17198; 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 EIR; and

WHEREAS, The Project and Final EIR files have been made available for review by the SFPUC and the public, in File No. 2007.0118E, 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, as required by CEQA, ("CEQA Findings") and a proposed Mitigation, Monitoring, and Reporting Program ("MMRP"), which material was made available to the public and this 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 Program EIR (PEIR) was prepared for the WSIP and certified by the Planning Commission on October 30, 2008 by Motion No. 17734; and

WHEREAS, Thereafter, this Commission 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 Final EIR prepared for the Project is tiered from the PEIR, as authorized by and in accordance with CEQA and the CEQA Guidelines; and

WHEREAS, The PEIR has been made available for review by the SFPUC and the public, and is part of the record before this Commission; and

WHEREAS, The SFPUC staff will comply with Government Code Section 7260 *et seq.* statutory procedures for possible acquisition of interests in real property (temporary or permanent) in: (1) Assessor's Parcel #010-015-062 owned by Ardis Family Partnership, (2) Assessor's Parcel #010-041-026 owned by Emilio Moran, (3) Assessor's Parcel #016-002-014 owned by Frank M. Bettencourt, (4) Assessor's Parcel #016-009-008 owned by Henry Bettencourt, (5) Assessor's Parcel #255-070-08 owned by Clifford W. & Onalee J. Koster, (6) Assessor's Parcel #253-280-03 owned by Triangle Properties, Inc., (7) Assessor's Parcel #011-013-006 owned by Willms Ranch, LLC, (8) Assessor's Parcel #011-013-011 owned by Willms Ranch, LLC, (9) Assessor's Parcel #011-001-028 owned by Richard B. and Alida C. Ardis, (10) Assessor's Parcel #016-002-017 owned by James W. Lopes, (11) Assessor's Parcel #016-002-018 owned by James W. Lopes, (12) Assessor's Parcel #016-002-044 owned by James W. Lopes, (13) Assessor's Parcel #253-170-05 owned by Garry & Christine DeWolfe, (14) Assessor's Parcel #253-17-06-05 owned by Garry & Christine DeWolfe, (15) Assessor's Parcel #016-002-048 owned by Angela Bogetti-Dumlao, (16) Assessor's Parcel #016-002-012 owned by Gary Oosterkamp, (17) Assessor's Parcel #016-022-014 owned by Frank M. Bettencourt, and (18) Assessor's Parcel #253-270-24 owned by Tracy Golf and Country Club. The total combined purchase price of all such possible acquisitions is estimated to not exceed \$700,000; and

WHEREAS, The Project work is primarily located within the City-owned SFPUC right of way, however, several private or public property owners hold easement interests in portions of the right of way, including El Solero Water District, Shell Oil, Standard/Chevron Oil, and California Department of Water Resources (California Aqueduct) and it may be necessary for the Project for the General Manager to negotiate and enter into agreements with respect to those easement interests; and

WHEREAS, SFPUC has issued 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, there is apparent use of City-owned property by other parties for which there is no evidence of SFPUC authorization, and it may be necessary for the Project for the General Manager to (a) exercise rights under any such deed, lease, permit, or license or (b) negotiate and execute new or amended lease, permit, license, or encroachment removal agreements (each, a "Use Instrument") with owners or occupiers of property interests on, or adjacent to, City property, including West Stanislaus Irrigation District, Blewett Mutual Water District, PAR Country Estates, Chevron/Getty/Tide Water Oil, Standard/Chevron Oil, and Tracy Golf and Country Club, or other property owners or occupiers of land on, or adjacent to, the SFPUC right of way; and

WHEREAS, The Project will require the SFPUC to obtain various necessary permits and encroachment permits from San Joaquin and Stanislaus Counties, which permits shall be consistent with SFPUC existing fee or easement interests, where applicable, and will include terms and conditions including, but not limited to, maintenance, repair, and relocation of improvements and, possibly, indemnity obligations; and

WHEREAS, The SFPUC intends to obtain a permit or enter into an agreement with the U.S. Fish and Wildlife Service for intermittent discharge (e.g., maintenance, emergency) of water from the Pelican Crossover facility to San Joaquin National Wildlife Refuge facilities; and

WHEREAS, The Project will require the SFPUC to augment or amend its existing easement rights, with respect to the proposed fourth pipeline crossing of Union Pacific Railroad (UPRR) land at UPRR milepost 93.61 in San Joaquin County, and, pending such amendment, enter into a pipeline crossing agreement with respect to such location with UPRR; and

WHEREAS, The Project will require the SFPUC to obtain a permanent easement from Stanislaus County across River Road in Stanislaus County; and

WHEREAS, Implementation of the Project mitigation measures will involve consultation with, or required approvals by, state and federal regulatory agencies, including but not limited to the following: U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service, National Marine Fisheries Service, California Department of Transportation, State Historic Preservation Officer, California Department of Fish and Game, and Central Valley Regional Water Quality Control Board; 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. CUW37301, San Joaquin Pipeline System Project, and authorizes staff to proceed with actions necessary to implement the Project; and be it

FURTHER RESOLVED, That this Commission hereby authorizes the SFPUC General Manager to undertake the process, in compliance with Government Code Section 7260 et seq., with the San Francisco Charter and all applicable laws, for possible acquisition of interests in real property (temporary or permanent) in: 1) Assessor's Parcel #010-015-062 owned by Ardis Family Partnership, (2) Assessor's Parcel #010-041-026 owned by Emilio Moran, (3) Assessor's Parcel #016-002-014 owned by Frank M. Bettencourt, (4) Assessor's Parcel #016-009-008 owned by Henry Bettencourt, (5) Assessor's Parcel #255-070-08 owned by Clifford W. & Onalee J. Koster, (6) Assessor's Parcel #253-280-03 owned by Triangle Properties, Inc. (7) Assessor's Parcel #011-013-006 owned by Willms Ranch, LLC, (8) Assessor's Parcel #011-013-011 owned by Willms Ranch, LLC, (9) Assessor's Parcel #011-001-028 owned by Richard B. and Alida C. Ardis, (10) Assessor's Parcel #016-002-017 owned by James W. Lopes, (11) Assessor's Parcel #016-002-018 owned by James W. Lopes, (12) Assessor's Parcel #016-002-044 owned by James W. Lopes, (13) Assessor's Parcel #253-170-05 owned by Garry & Christine DeWolfe, (14) Assessor's Parcel #253-17-06-05 owned by Garry & Christine DeWolfe, (15) Assessor's Parcel #016-002-048 owned by Angela Bogetti-Dumlao, (16) Assessor's Parcel #016-002-012 owned by Gary Oosterkamp, (17) Assessor's Parcel #016-022-014 owned by Frank M. Bettencourt, and (18) Assessor's Parcel #253-270-24 owned by Tracy Golf and Country Club, and to work with the Director of Real Estate to seek Board of Supervisors' approval of, and if approved, to accept and execute final agreements, and any other related documents necessary to consummate the transactions contemplated therein, in such form approved by the City Attorney; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager to negotiate and subject to any applicable approvals, enter into agreements, if necessary for the Project, with parties holding existing easement interests on City property, including El Solyo Water District, Shell Oil, Standard/Chevron Oil, and California Department of Water Resources

(California Aqueduct) in a form that the General Manager determines is in the public interest and is acceptable, necessary, and advisable to effectuate the purposes and intent of this Resolution, and 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 to exercise any right as necessary under any Use Instrument and negotiate and execute new or amended Use Instruments, if necessary for the Project, with owners or occupiers of property interests on, or adjacent to, the SFPUC right of way, including West Stanislaus Irrigation District, Blewett Mutual Water District, PAR Country Estates, Chevron/Getty/Tide Water Oil, Standard/Chevron Oil, and Tracy Golf and Country Club, in a form that the General Manager determines is in the public interest and is acceptable, necessary, and advisable to effectuate the purposes and intent of this Resolution, and 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 apply for and execute various necessary permits and encroachment permits with the San Joaquin and Stanislaus Counties, which permits shall be consistent with SFPUC's existing fee or easement interests, where applicable. To the extent that the terms and conditions of the permits 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 hereby authorizes the SFPUC General Manager to negotiate and, if necessary, to seek Board of Supervisors' approval of, and, if approved, accept and execute a permit or agreement with the U.S. Fish and Wildlife Service with respect to intermittent discharge of water into San Joaquin National Wildlife Refuge facilities, in such form approved by the City Attorney. To the extent that the terms and conditions will require SFPUC to indemnify other parties, 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 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 hereby authorizes the SFPUC General Manager to negotiate and seek Board of Supervisors' approval of, and if approved, to accept and execute an amended easement deed and, pending such acceptance and execution, a pipeline crossing agreement and any other related documents necessary to consummate the transactions contemplated therein, with UPRR, in such form approved by the City Attorney, with respect to the proposed pipeline crossing at UPRR milepost 93.61 in San Joaquin County; and be it.

FURTHER RESOLVED, That this Commission hereby authorizes the SFPUC General Manager to undertake the process, in compliance with Government Code Section 7260 *et seq.*, the San Francisco Charter, and all applicable laws, to seek Board of Supervisors' approval of, and if approved, to accept and execute an easement deed and any other related documents necessary to consummate the transactions contemplated therein, in such form approved by the City Attorney, for acquisition of a permanent easement from Stanislaus County across River Road in Stanislaus County; and be it.

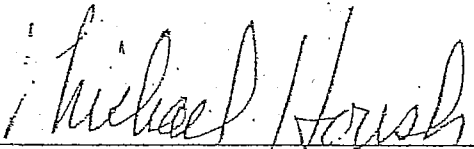
FURTHER RESOLVED, The General Manager will confer with the Commission during the negotiation process on real estate agreements as necessary, and report to the Commission on all agreements submitted to the Board of Supervisors for approval; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager 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 by state and federal regulatory agencies, including but not limited to: U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service, National Marine Fisheries Service, California Department of Transportation, State Historic Preservation Officer, California Department of Fish and Game, and Central Valley Regional Water Quality Control Board; 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 authorizes the General Manager to work with the Director of Real Estate to seek Board approval, and if approved, to accept and execute the real property agreements authorized herein; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager to enter into any subsequent additions, amendments, or other modifications to the permits, licenses, encroachment removal agreements, pipeline crossing agreements, leases, easements, and other real property agreements, or amendments thereto, as described herein, that the General Manager, in consultation with the Commercial Land Manager and 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, 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 July 14, 2009



Secretary, Public Utilities Commission

MEMORANDUM

DATE: April 13, 2011

TO: Ed Harrington, General Manager

FROM: Chris Nelson, Project Manager;
Brian Morelli, Right of Way Manager

PROJECT: San Joaquin Pipeline Project

SUBJECT: Administrative Settlement Discussion
Property Owner: Gary and Christine DeWolf
Assessor's Parcel Number: 253-170-05
Parcel Identification: Access Road 1023 and Temporary Access
Road Easement 36

PROPERTY INTERESTS PROPOSED FOR ACQUISITION: Temporary Access Road
Easement and Permanent
Road Access Easement

Summary

On December 20, 2009, the first written offer of just compensation in the amount of \$3,100 was presented to the owner, Christine DeWolf; for a Temporary Access Road Easement. On February 22, 2010 a Right of Entry for this right was obtained with an effective date of June 1, 2010. The Right of Entry provided SFPUC with the property rights necessary to construct the project with the amount of compensation pending. The prior maintenance access that was used by the SFPUC has been cut off as a result of a house constructed on the parcel that was used for access. The solution was to obtain both a temporary and permanent access at different locations from the DeWolf's. The permanent access easement will be used during project construction and future maintenance of facilities.

On March 29, 2011 a revised SFPUC first written offer of just compensation in the amount of \$6,200 which included an additional Permanent Road Access Easement along with the Temporary Access Road Easement was presented to the owner. The owner felt that the appraised value for their property was in the low range of values as contained in the appraisal summary statement. The owners felt that the value of their property should have been around \$12,000.00 which is within the range of comparables in the appraisal summary statement.

During the course of negotiations, the owner presented a counter proposal in the amount of \$10,000. The owner's justification for their counter proposal was two fold: 1) the TCE duration was extended 10 months and 2) the perceived impact of the permanent rights to the remainder property was of greater significance than quantified by SFPUC.

Background

The subject property is composed of approximately 65.68 acres in total. The proposed Temporary Access Road Easement consists of 1.39 acres with a duration of 40 months. The Right of Entry however, has a start date of June 1, 2010 thereby extending the overall term of the temporary rights to 50 months or an additional 10 months.

The Permanent Access Road Easement consists of 0.45 acres. The property is currently being used for grazing.

The owner proposed settlement of \$10,000 exceeds the SFPUC approved appraisals by \$3,800.

Conclusion

After review of the facts, SFPUC may consider an administrative settlement to be reasonable, prudent, and in the public interest. Among the factors to consider in this determination are:

- 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 are estimated to far exceed the proposed settlement amount to complete the acquisition process.
- Usefulness of the road easement to address project construction efficiencies.
- Encouraging settlements through negotiation in conformance with the Uniform Act and Government Code Section 7267.

Based on the above, an administrative settlement not to exceed \$10,000 is authorized.

Administrative Settlement Approved

By: _____

Ed Harrington, General Manager, SFPUC

Date: _____

cc: Bill Tannenbaum – AR/WS



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

June 29, 2009

Ms. Amy L. Brown
Director of Real Estate
Real Estate Division
Department of Administrative Services
25 Van Ness Avenue, Suite 400
San Francisco, CA 94102

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Re: Case No. 2009.0202R
Right of Way Acquisitions -
SF Public Utilities Commission (PUC)
PUC San Joaquin Pipeline Project

Dear Ms. Brown:

The Department received your request, dated March 12, 2009, for a General Plan Referral as required by Section 4.105 of the San Francisco Charter, and Section 2A.53 of the San Francisco Administrative Code. The project is the proposed acquisition of temporary and permanent easements from several private and municipal property owners. The Public Utilities Commission (PUC) proposes to acquire easements on 16 parcels, located in Stainslaus and San Joaquin counties. Acquisition of the temporary and permanent easements is, on balance, in conformity with the San Francisco General Plan.

Project Description

The primary goal of the project is to improve the reliability of water delivery, quality and supply and drought management and seismic reliability per the SFPUC's Water System Improvement Program. The San Joaquin Pipeline Project (SJPL) will consist of constructing two new crossover facilities, installation of pipelines, and the construction of a new vault. The project construction is anticipated to impact several private and municipal properties. Temporary Construction Easements and Staging Areas and Temporary and Permanent access roads will be needed.

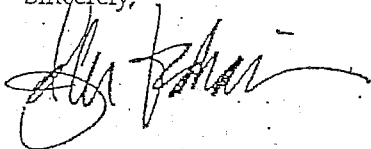
Environmental Review

The Department has determined that the proposed easement acquisition is Categorical Exempt from Environmental Review pursuant to CEQA Guidelines, Section 15060(c)(2).

Memo

A case report listing relevant General Plan Objectives and Policies is included as Attachment 1. The project has also been reviewed for consistency with the Eight Priority Policies of Section 101.1 of the Planning Code, included as Attachment 2.

Sincerely,



John Rahaim
Director of Planning

cc: Brian Morelli, PUC ✓
cc: Gary Tom, Real Estate Division, Accounting
cc: Kathy Wood, ARWS
cc: Claudia Flores, Planning Department

Attachments:

1. General Plan Case Report
2. Eight Priority Policies Findings- Planning Code Section 101.1
3. Exhibit A - Private and Municipal Properties Potentially Impacted by Project

I:\Citywide\General Plan\General Plan Referrals\2009\2009.0202R San Joaquin pipeline - PUC easements acquire - SJ and Stanislaus Counties.doc

GENERAL PLAN REFERRAL - Case Report

Attachment 1

Case Number: 2009.0202R

Assessor's Parcel
Number: Location outside of San Francisco County

Location, Description: Various municipalities and private properties along the San Joaquin Pipeline, see Exhibit Acquisition of vacant properties in unincorporated areas of Alameda and Santa Clara Counties for use by the PUC.

Staff Reviewer: Claudia Flores

Date: June 19, 2009

GENERAL PLAN POLICY FINDINGS

Note: General Plan Objectives and Policies concerning the project are in bold font, and General Plan text is in regular font. Staff comments are in *italic font*.

ENVIRONMENTAL PROTECTION ELEMENT

OBJECTIVE 5

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

Hetch Hetchy and the Water Department should continue their excellent planning program to assure that the water supply will adequately meet foreseeable consumption demands. To this end, the City should be prepared to undertake the necessary improvements and add to the Hetch Hetchy/Water Department system in order to guarantee the permanent supply. Furthermore, San Francisco should continually review its commitments for the sale of water to suburban areas in planning how to meet future demand.

POLICY 5.2

Exercise controls over development to correspond to the capabilities of the water supply and distribution system.

POLICY 5.3

Ensure water purity.

San Francisco's drinking water must meet State and Federal water quality standards. Ensuring water quality means continuing the present water purification process and monitoring storage facilities and transmission lines for threats to the water supply.

Comment: The proposed acquisition of easements for the upgrade of the San Joaquin Pipeline System will permit the PUC to protect the land from development or land uses that might impact the PUC's ability to supply high-quality drinking water to San Francisco water users and the PUC's clients in the East Bay and on the Peninsula. Acquisition of the easements is consistent with the PUC's Water System Improvement Program and with the cited General Plan policies.

OBJECTIVE 6

CONSERVE AND PROTECT THE FRESH WATER RESOURCE.

The fresh water resource, like all natural resources, is finite and measurable. While San Francisco's water supply seems vast in relation to current demands, it should not be wasted. Supplementary sources should also be investigated.

On balance, the proposal is in conformity with the General Plan. Any development schemes proposed for the subject parcels after acquisition of the easements for the SFPUC will be subject to separate General Plan Referrals to the Planning Department. Any development proposals would also have to comply with the local zoning ordinance and pertinent land use policies of the area.

The Project is XX in conformity with the General Plan.

Planning Code Section 101.1(b) establishes the following eight priority planning policies and requires review of permits for consistency with said policies. The Project and this General Plan Referral application are consistent or inconsistent with each of these policies as follows:

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 not affect 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 neighborhoods.

The Project would not affect the City's housing stock or neighborhood character.

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

The Project would not affect 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 affect Muni transit service, streets, or 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 resident employment and ownership in these sectors be enhanced.

The Project would not affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

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

The Project would not affect preparedness against injury and loss of life in an earthquake and would comply with applicable safety standards.

7. That landmarks and historic buildings be preserved.

The Project would not affect any of the City's historic resources.

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

The Project would not have any adverse effect on the City's park system.

*I:\Citywide\General Plan\General Plan Referrals\2009\2009.0202R San Joaquin pipeline - PUC easements
acquire - SJ and Stanislaus Counties.doc*

REV 4-14-09

EXHIBIT A
San Joaquin Pipeline System (SJPL)

PRIVATE AND MUNICIPAL PROPERTIES POTENTIALLY IMPACTED BY PROJECT

OWNER	APN/P.M.	LOCATION	MAP PAGE
The Ardis Family Partnership	010-015-062 59.42	Wamerville Rd. Oakdale, CA Stanislaus County	22
Emilio Moran	010-041-026 59.50	Wamerville Rd. Oakdale, CA Stanislaus County	22
Frank M. Bettencourt	016-002-014 87.33	813 S. River Rd. Vernalis, CA Stanislaus County	18 & 31
Henry Bettencourt	016-002-014 87.34	2400 River Rd. Patterson, CA Stanislaus County	18
Clifford W. & Onalee J. Koster	255-070-08 93.10	3310 W. St. RT 132 Hwy Tracy, CA San Joaquin County	8
Triangle Properties, Inc	253-280-03 93.93	35555 S. Bird Rd Tracy, CA San Joaquin County	6
USA - USACE	016-009-037 86.40	Pelican Rd. Vernalis, CA Stanislaus County	20
Willms Ranch, LLC	011-013-006 011-013-011 53.25-53.40	Willms Road Salida, CA Stanislaus County	32
Richard B. Ardis	011-001-028 53.85	Willms Road Salida, CA Stanislaus County	32
James W. Lopes	016-002-017 016-002-018 016-002-044 87.75-88.80	Blewett Road Vernalis, CA Stanislaus County	31
Garry & Christine DeWolf	253-170-05 96.10	Chrisman Road Tracy, CA San Joaquin County	30
Union Pacific Railroad Co.	Stationing 89+51 89.51	Hwy 33 between McCracken & Welty Roads Vernalis, CA Stanislaus County	14

Stanislaus County	Stationing 87+33 87.33	River Road Vernalis, CA Stanislaus County	18
Tony Ramos and Mary Rocha Weirinho (209) 578-1403	012-058-005 012-058-006 012-058-008 012-058-009 012-058-011 012-059-001 012-059-008 81.40-82.58	1685 Dunn Road Modesto, CA 7956 Shackelford Road Modesto, CA Gates Road Modesto, CA Stanislaus County	33
Angela Bogetti-Dumlao	016-002-48	McCracken Rd Patterson, CA Stanislaus County	33
Gary Oosterkamp	016-002-012	Maze Blvd. Patterson, CA Stanislaus County	33

MEMORANDUM

DATE: April 13, 2011

TO: Ed Harrington, General Manager

FROM: Chris Nelson, Project Manager;
Brian Morelli, Right of Way Manager

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After review of the facts, SFPUC may consider an administrative settlement to be reasonable, prudent, and in the public interest. Among the factors to consider in this determination are:

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- Agreements that avoid unnecessary litigation and congestion in the courts.
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- Encouraging settlements through negotiation in conformance with the Uniform Act and Government Code Section 7267.

Based on the above, an administrative settlement not to exceed \$10,000 is authorized.

Administrative Settlement Approved

By: _____

Ed Harrington, General Manager, SFPUC

Date: _____

cc: Bill Tannenbaum – AR/WS

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 09-0119

WHEREAS, San Francisco Public Utilities Commission ("SFPUC") staff have developed a project description for Project No. CUW37301 San Joaquin Pipeline System Project ("SJPL" or "Project") under the Water System Improvement Program ("WSIP") for the improvements to the regional water supply system, and

WHEREAS, The objectives of the Project are to provide for a SJPL System flow of 313 million gallons per day (mgd) with all pipelines in service, and an average flow of 271 mgd when any one segment of the system is taken out of service for maintenance or repairs, or during an emergency, and to meet current customer demands as well as replenish local reservoirs to allow for maintenance activities and for the capability of removing any second pipeline segment from service, after any other segment has already been removed from service for maintenance, without discontinuing deliveries; and

WHEREAS, On July 9, 2009, the Planning Commission reviewed and considered the Final Environmental Impact Report ("Final EIR") in Planning Department File No. 2007.0118E, consisting of the Draft EIR, the Comments and Responses document (including a Supplement to the Comments and Responses Document) and an Errata Sheet dated July 1, 2009, 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. 17198; 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 EIR; and

WHEREAS, The Project and Final EIR files have been made available for review by the SFPUC and the public, in File No. 2007.0118E, 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, as required by CEQA, ("CEQA Findings") and a proposed Mitigation, Monitoring, and Reporting Program ("MMRP"), which material was made available to the public and this 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 Program EIR (PEIR) was prepared for the WSIP and certified by the Planning Commission on October 30, 2008 by Motion No. 17734; and

WHEREAS, Thereafter, this Commission 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 Final EIR prepared for the Project is tiered from the PEIR, as authorized by and in accordance with CEQA and the CEQA Guidelines; and

WHEREAS, The PEIR has been made available for review by the SFPUC and the public, and is part of the record before this Commission; and

WHEREAS, The SFPUC staff will comply with Government Code Section 7260 *et seq.* statutory procedures for possible acquisition of interests in real property (temporary or permanent) in: (1) Assessor's Parcel #010-015-062 owned by Ardis Family Partnership, (2) Assessor's Parcel #010-041-026 owned by Emilio Moran, (3) Assessor's Parcel #016-002-014 owned by Frank M. Bettencourt, (4) Assessor's Parcel #016-009-008 owned by Henry Bettencourt, (5) Assessor's Parcel #255-070-08 owned by Clifford W. & Onalee J. Koster, (6) Assessor's Parcel #253-280-03 owned by Triangle Properties, Inc., (7) Assessor's Parcel #011-013-006 owned by Willms Ranch, LLC, (8) Assessor's Parcel #011-013-011 owned by Willms Ranch, LLC, (9) Assessor's Parcel #011-001-028 owned by Richard B. and Alida C. Ardis, (10) Assessor's Parcel #016-002-017 owned by James W. Lopes, (11) Assessor's Parcel #016-002-018 owned by James W. Lopes, (12) Assessor's Parcel #016-002-044 owned by James W. Lopes, (13) Assessor's Parcel #253-170-05 owned by Garry & Christine DeWolfe, (14) Assessor's Parcel #253-17-06-05 owned by Garry & Christine DeWolfe, (15) Assessor's Parcel #016-002-048 owned by Angela Bogetti-Dumlao, (16) Assessor's Parcel #016-002-012 owned by Gary Oosterkamp, (17) Assessor's Parcel #016-022-014 owned by Frank M. Bettencourt, and (18) Assessor's Parcel #253-270-24 owned by Tracy Golf and Country Club. The total combined purchase price of all such possible acquisitions is estimated to not exceed \$700,000; and

WHEREAS, The Project work is primarily located within the City-owned SFPUC right of way, however, several private or public property owners hold easement interests in portions of the right of way, including El Solero Water District, Shell Oil, Standard/Chevron Oil, and California Department of Water Resources (California Aqueduct) and it may be necessary for the Project for the General Manager to negotiate and enter into agreements with respect to those easement interests; and

WHEREAS, SFPUC has issued 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, there is apparent use of City-owned property by other parties for which there is no evidence of SFPUC authorization, and it may be necessary for the Project for the General Manager to (a) exercise rights under any such deed, lease, permit, or license or (b) negotiate and execute new or amended lease, permit, license, or encroachment removal agreements (each, a "Use Instrument") with owners or occupiers of property interests on, or adjacent to, City property, including West Stanislaus Irrigation District, Blewett Mutual Water District, PAR Country Estates, Chevron/Getty/Tide Water Oil, Standard/Chevron Oil, and Tracy Golf and Country Club, or other property owners or occupiers of land on, or adjacent to, the SFPUC right of way; and

WHEREAS, The Project will require the SFPUC to obtain various necessary permits and encroachment permits from San Joaquin and Stanislaus Counties, which permits shall be consistent with SFPUC existing fee or easement interests, where applicable, and will include terms and conditions including, but not limited to, maintenance, repair, and relocation of improvements and, possibly, indemnity obligations; and

WHEREAS, The SFPUC intends to obtain a permit or enter into an agreement with the U.S. Fish and Wildlife Service for intermittent discharge (e.g., maintenance, emergency) of water from the Pelican Crossover facility to San Joaquin National Wildlife Refuge facilities; and

WHEREAS, The Project will require the SFPUC to augment or amend its existing easement rights, with respect to the proposed fourth pipeline crossing of Union Pacific Railroad (UPRR) land at UPRR milepost 93.61 in San Joaquin County, and, pending such amendment, enter into a pipeline crossing agreement with respect to such location with UPRR; and

WHEREAS, The Project will require the SFPUC to obtain a permanent easement from Stanislaus County across River Road in Stanislaus County; and

WHEREAS, Implementation of the Project mitigation measures will involve consultation with, or required approvals by, state and federal regulatory agencies, including but not limited to the following: U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service, National Marine Fisheries Service, California Department of Transportation, State Historic Preservation Officer, California Department of Fish and Game, and Central Valley Regional Water Quality Control Board; 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. CUW37301, San Joaquin Pipeline System Project, and authorizes staff to proceed with actions necessary to implement the Project; and be it

FURTHER RESOLVED, That this Commission hereby authorizes the SFPUC General Manager to undertake the process, in compliance with Government Code Section 7260 et seq., with the San Francisco Charter and all applicable laws, for possible acquisition of interests in real property (temporary or permanent) in: 1) Assessor's Parcel #010-015-062 owned by Ardis Family Partnership, (2) Assessor's Parcel #010-041-026 owned by Emilio Moran, (3) Assessor's Parcel #016-002-014 owned by Frank M. Bettencourt, (4) Assessor's Parcel #016-009-008 owned by Henry Bettencourt, (5) Assessor's Parcel #255-070-08 owned by Clifford W. & Onalee J. Koster, (6) Assessor's Parcel #253-280-03 owned by Triangle Properties, Inc. (7) Assessor's Parcel #011-013-006 owned by Willms Ranch, LLC, (8) Assessor's Parcel #011-013-011 owned by Willms Ranch, LLC, (9) Assessor's Parcel #011-001-028 owned by Richard B. and Alida C. Ardis, (10) Assessor's Parcel #016-002-017 owned by James W. Lopes, (11) Assessor's Parcel #016-002-018 owned by James W. Lopes, (12) Assessor's Parcel #016-002-044 owned by James W. Lopes, (13) Assessor's Parcel #253-170-05 owned by Garry & Christine DeWolfe, (14) Assessor's Parcel #253-17-06-05 owned by Garry & Christine DeWolfe, (15) Assessor's Parcel #016-002-048 owned by Angela Bogetti-Dumilao, (16) Assessor's Parcel #016-002-012 owned by Gary Oosterkamp, (17) Assessor's Parcel #016-022-014 owned by Frank M. Bettencourt, and (18) Assessor's Parcel #253-270-24 owned by Tracy Golf and Country Club, and to work with the Director of Real Estate to seek Board of Supervisors' approval of, and if approved, to accept and execute final agreements, and any other related documents necessary to consummate the transactions contemplated therein, in such form approved by the City Attorney; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager to negotiate and subject to any applicable approvals, enter into agreements, if necessary for the Project, with parties holding existing easement interests on City property, including El Solvo Water District, Shell Oil, Standard/Chevron Oil, and California Department of Water Resources

(California Aqueduct) in a form that the General Manager determines is in the public interest and is acceptable, necessary, and advisable to effectuate the purposes and intent of this Resolution, and 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 to exercise any right as necessary under any Use Instrument and negotiate and execute new or amended Use Instruments, if necessary for the Project, with owners or occupiers of property interests on, or adjacent to, the SFPUC right of way, including West Stanislaus Irrigation District, Blewett Mutual Water District, PAR Country Estates, Chevron/Getty/Tide Water Oil, Standard/Chevron Oil, and Tracy Golf and Country Club, in a form that the General Manager determines is in the public interest and is acceptable, necessary, and advisable to effectuate the purposes and intent of this Resolution, and 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 apply for and execute various necessary permits and encroachment permits with the San Joaquin and Stanislaus Counties, which permits shall be consistent with SFPUC's existing fee or easement interests, where applicable. To the extent that the terms and conditions of the permits 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 hereby authorizes the SFPUC General Manager to negotiate and, if necessary, to seek Board of Supervisors' approval of, and, if approved, accept and execute a permit or agreement with the U.S. Fish and Wildlife Service with respect to intermittent discharge of water into San Joaquin National Wildlife Refuge facilities, in such form approved by the City Attorney. To the extent that the terms and conditions will require SFPUC to indemnify other parties, 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 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 hereby authorizes the SFPUC General Manager to negotiate and seek Board of Supervisors' approval of, and if approved, to accept and execute an amended easement deed and, pending such acceptance and execution, a pipeline crossing agreement and any other related documents necessary to consummate the transactions contemplated therein, with UPRR, in such form approved by the City Attorney, with respect to the proposed pipeline crossing at UPRR milepost 93.61 in San Joaquin County; and be it

FURTHER RESOLVED, That this Commission hereby authorizes the SFPUC General Manager to undertake the process, in compliance with Government Code Section 7260 *et seq.*, the San Francisco Charter, and all applicable laws, to seek Board of Supervisors' approval of, and if approved, to accept and execute an easement deed and any other related documents necessary to consummate the transactions contemplated therein, in such form approved by the City Attorney, for acquisition of a permanent easement from Stanislaus County across River Road in Stanislaus County; and be it

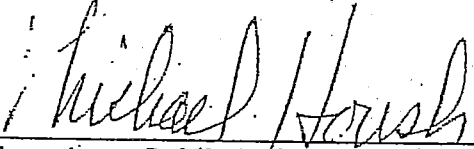
FURTHER RESOLVED, The General Manager will confer with the Commission during the negotiation process on real estate agreements as necessary, and report to the Commission on all agreements submitted to the Board of Supervisors for approval; and be it

FURTHER RESOLVED, That this Commission authorizes the General Manager 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 by state and federal regulatory agencies, including but not limited to: U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service, National Marine Fisheries Service, California Department of Transportation, State Historic Preservation Officer, California Department of Fish and Game, and Central Valley Regional Water Quality Control Board; 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 authorizes the General Manager to work with the Director of Real Estate to seek Board approval, and if approved, to accept and execute the real property agreements authorized herein; and be it

~~FURTHER RESOLVED, That this Commission authorizes the General Manager to enter into any subsequent additions, amendments, or other modifications to the permits, licenses, encroachment removal agreements, pipeline crossing agreements, leases, easements, and other real property agreements, or amendments thereto, as described herein, that the General Manager, in consultation with the Commercial Land Manager and 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, 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 July 14, 2009



Secretary, Public Utilities Commission



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

June 29, 2009

Ms. Amy L. Brown
Director of Real Estate
Real Estate Division
Department of Administrative Services
25 Van Ness Avenue, Suite 400
San Francisco, CA 94102

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Re: Case No. 2009.0202R
Right of Way Acquisitions -
SF Public Utilities Commission (PUC)
PUC San Joaquin Pipeline Project

Dear Ms. Brown:

The Department received your request, dated March 12, 2009, for a General Plan Referral as required by Section 4.105 of the San Francisco Charter, and Section 2A.53 of the San Francisco Administrative Code. The project is the proposed acquisition of temporary and permanent easements from several private and municipal property owners. The Public Utilities Commission (PUC) proposes to acquire easements on 16 parcels, located in Stainslaus and San Joaquin counties. Acquisition of the temporary and permanent easements is, on balance, in conformity with the San Francisco General Plan.

Project Description

The primary goal of the project is to improve the reliability of water delivery, quality and supply and drought management and seismic reliability per the SFPUC's Water System Improvement Program. The San Joaquin Pipeline Project (SJPL) will consist of constructing two new crossover facilities, installation of pipelines, and the construction of a new vault. The project construction is anticipated to impact several private and municipal properties. Temporary Construction Easements and Staging Areas and Temporary and Permanent access roads will be needed.

Environmental Review

The Department has determined that the proposed easement acquisition is Categorical Exempt from Environmental Review pursuant to CEQA Guidelines, Section 15060(c)(2).

Memo

A case report listing relevant General Plan Objectives and Policies is included as Attachment 1. The project has also been reviewed for consistency with the Eight Priority Policies of Section 101.1 of the Planning Code, included as Attachment 2.

Sincerely,



John Rahaim
Director of Planning

cc: Brian Morelli, PUC ✓
cc: Gary Tom, Real Estate Division, Accounting
cc: Kathy Wood, ARWS
cc: Claudia Flores, Planning Department

Attachments:

1. General Plan Case Report
2. Eight Priority Policies Findings- Planning Code Section 101.1
3. Exhibit A - Private and Municipal Properties Potentially Impacted by Project

I:\Citywide\General Plan\General Plan Referrals\2009\2009.0202R San Joaquin pipeline - PUC easements acquire - SJ and Stanislaus Counties.doc

GENERAL PLAN REFERRAL - Case Report

Attachment 1

Case Number: 2009.0202R

Assessor's Parcel
Number: Location outside of San Francisco County

Location, Description: Various municipalities and private properties along the San Joaquin Pipeline, see Exhibit Acquisition of vacant properties in unincorporated areas of Alameda and Santa Clara Counties for use by the PUC.

Staff Reviewer: Claudia Flores

Date: June 19, 2009

GENERAL PLAN POLICY FINDINGS

Note: General Plan Objectives and Policies concerning the project are in bold font, and General Plan text is in regular font. Staff comments are in *italic font*.

ENVIRONMENTAL PROTECTION ELEMENT

OBJECTIVE 5

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

Hetch Hetchy and the Water Department should continue their excellent planning program to assure that the water supply will adequately meet foreseeable consumption demands. To this end, the City should be prepared to undertake the necessary improvements and add to the Hetch Hetchy/Water Department system in order to guarantee the permanent supply. Furthermore, San Francisco should continually review its commitments for the sale of water to suburban areas in planning how to meet future demand.

POLICY 5.2

Exercise controls over development to correspond to the capabilities of the water supply and distribution system.

POLICY 5.3

Ensure water purity.

San Francisco's drinking water must meet State and Federal water quality standards. Ensuring water quality means continuing the present water purification process and monitoring storage facilities and transmission lines for threats to the water supply.

Comment: The proposed acquisition of easements for the upgrade of the San Joaquin Pipeline System will permit the PUC to protect the land from development or land uses that might impact the PUC's ability to supply high-quality drinking water to San Francisco water users and the PUC's clients in the East Bay and on the Peninsula. Acquisition of the easements is consistent with the PUC's Water System Improvement Program and with the cited General Plan policies.

OBJECTIVE 6.

CONSERVE AND PROTECT THE FRESH WATER RESOURCE.

The fresh water resource, like all natural resources, is finite and measurable. While San Francisco's water supply seems vast in relation to current demands, it should not be wasted. Supplementary sources should also be investigated.

On balance, the proposal is in conformity with the General Plan. Any development schemes proposed for the subject parcels after acquisition of the easements for the SFPUC will be subject to separate General Plan Referrals to the Planning Department. Any development proposals would also have to comply with the local zoning ordinance and pertinent land use policies of the area.

The Project is XX in conformity with the General Plan.

Planning Code Provisions- Eight Priority Policies

Attachment 2

Planning Code Section 101.1(b) establishes the following eight priority planning policies and requires review of permits for consistency with said policies. The Project and this General Plan Referral application are consistent or inconsistent with each of these policies as follows:

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

The project would not affect 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 neighborhoods.

The Project would not affect the City's housing stock or neighborhood character.

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

The Project would not affect 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 affect Muni transit service, streets, or 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 resident employment and ownership in these sectors be enhanced.

The Project would not affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

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

The Project would not affect preparedness against injury and loss of life in an earthquake and would comply with applicable safety standards.

7. That landmarks and historic buildings be preserved.

The Project would not affect any of the City's historic resources.

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

The Project would not have any adverse effect on the City's park system.

*I:\Citywide\General Plan\General Plan Referrals\2009\2009.0202R San Joaquin pipeline - PUC easements
acquire - SJ and Stanislaus Counties.doc*

REV 4-14-09

EXHIBIT A
San Joaquin Pipeline System (SJPL)

PRIVATE AND MUNICIPAL PROPERTIES POTENTIALLY IMPACTED BY PROJECT

OWNER	APN/P.M.	LOCATION	MAP PAGE
The Ardis Family Partnership	010-015-062 59.42	Warnerville Rd. Oakdale, CA Stanislaus County	22
Emilio Moran	010-041-026 59.50	Warnerville Rd. Oakdale, CA Stanislaus County	22
Frank M. Bettencourt	016-002-014 87.33	813 S. River Rd. Vernalis, CA Stanislaus County	18 & 31
Henry Bettencourt	016-002-014 87.34	2400 River Rd. Patterson, CA Stanislaus County	18
Clifford W. & Onalee J. Koster	255-070-08 93.10	3310 W. St. RT 132 Hwy Tracy, CA San Joaquin County	8
Triangle Properties, Inc	253-280-03 93.93	35555 S. Bird Rd Tracy, CA San Joaquin County	6
USA - USACE	016-009-037 86.40	Pelican Rd. Vernalis, CA Stanislaus County	20
Willms Ranch, LLC	011-013-006 011-013-011 53.25-53.40	Willms Road Salida, CA Stanislaus County	32
Richard B. Ardis	011-001-028 53.85	Willms Road Salida, CA Stanislaus County	32
James W. Lopes	016-002-017 016-002-018 016-002-044 87.75-88.80	Blewett Road Vernalis, CA Stanislaus County	31
Garry & Christine DeWolf	253-170-05 96.10	Chrisman Road Tracy, CA San Joaquin County	30
Union Pacific Railroad Co.	Stationing 89+51 89.51	Hwy 33 between McCracken & Welty Roads Vernalis, CA Stanislaus County	14

Stanislaus County	Stationing 87+33 87.33	River Road Vernalis, CA Stanislaus County	18
Tony Ramos and Mary Rocha Meirinho (209) 578-1403	012-058-005 012-058-006 012-058-008 012-058-009 012-058-011 012-059-001 012-059-008 81.40-82.58	1685 Dunn Road Modesto, CA 7956 Shackelford Road Modesto, CA Gates Road Modesto, CA Stanislaus County	33
Angela Bogetti-Dumlao	016-002-48	McCracken Rd Patterson, CA Stanislaus County	33
Gary Oosterkamp	016-002-012	Maze Blvd. Patterson, CA Stanislaus County	33

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): 1 ; Members, SF Board of Supervisors	City elective office(s) held: Members, SF Board of Supervisors
Contractor Information <i>(Please print clearly.)</i>	
Name of contractor: Gary and Christine DeWolf	
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. Sole ownership by Gary and Christine DeWolf	
Contractor address: 35151 S. Chrisman Road, Tracy, CA	
Date that contract was approved: Upon approval of Board and Mayor	Amount of contract: \$10,000.00
Describe the nature of the contract that was approved: Purchase of easements for the San Joaquin Pipeline System 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., SF 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

