

1 [Real Property Acquisition - Park Purposes - 3861-24th Street - \$4,242,510]

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3 **Resolution authorizing the acquisition of real property at 3861-24th Street, Assessor's**
4 **Parcel Block No. 6509, Lot No. 040, for \$4,242,510 for park purposes, from the Noe**
5 **Valley Ministry PCUSA; finding that the proposed transaction is in conformance with**
6 **the City's General Plan and the priority policies of Planning Code, Section 101.1, and**
7 **categorically exempt from environmental review as under the California Environmental**
8 **Quality Act.**

9
10 WHEREAS, The Noe Valley Ministry PCUSA, and a California corporation, owns the
11 real property located at 3861 24th Street (Lot 040, Block 6509), located between Sanchez and
12 Vicksburg Streets (the "Property"), which is comprised of 10,829 square feet of land currently
13 paved and used as a parking lot and weekly Farmers' Market; and

14 WHEREAS, The Property has been identified by the Recreation and Park Department
15 ("RPD") as an ideal future neighborhood park, following considerable community outreach;
16 and

17 WHEREAS, The Director of Property, in consultation with RPD, negotiated a proposed
18 Purchase and Sale Agreement for the Property, which is on file with the Clerk of the Board of
19 Supervisors under File No. 130341 (the "Purchase Agreement"), with a purchase price of
20 \$4,242,510, but with a price reduction (credit) of \$342,510 to be retained by the City to
21 perform anticipated environmental remediation; and

22 WHEREAS, The City obtained an independent, third party appraisal to confirm that the
23 proposed purchase price does not exceed the fair market value of the Property based on the
24 highest and best use of the Property; and

1 WHEREAS, The Director of Property has determined that the proposed sales price is
2 reasonable and represents fair market value for the Property; and

3 WHEREAS, RPD does not currently have funds available to develop the Property into
4 a public park, and therefore RPD intends to apply for a grant to fund development of the
5 Property into a park if the City acquires the Property, and during the interim period from
6 acquisition until funding availability, RPD intends to operate the Property as an unimproved
7 public open space; and

8 WHEREAS, The Planning Department, through General Plan Referral Letter dated
9 February 25, 2013 ("Planning Letter"), which is on file with the Clerk of the Board of
10 Supervisors under File No. 130341, has verified that the City's acquisition of the Property for
11 park purposes is consistent with the General Plan and the Eight Priority Policies under the
12 Planning Code Section 101.1; and

13 WHEREAS, In the Planning Letter, the Major Environmental Analysis Section of the
14 Department determined that the Project (City acquisition of AB 4750/030) is a nonphysical
15 project (Class 8; Acquisition of urban open space & Class 4 (b) - Creation of new parks) and
16 therefore categorically exempt from environmental review under CEQA; and

17 WHEREAS, The Recreation and Park Commission has recommended approval of the
18 purchase and remediation of the Property using Park, Recreation and Open Space Funds, at
19 their meeting of April 18, 2013; and

20 WHEREAS, Under the Purchase Agreement, The Noe Valley Ministry PCUSA shall
21 deliver the Property to the City at the close of escrow, anticipated to occur on or around June
22 30, 2013, with no occupants or tenants on the Property; now, therefore, be it

23 RESOLVED, That the Board of Supervisors hereby finds that the acquisition of the
24 Property is consistent with the City's General Plan and the Eight Priority Policies of Planning
25 Code Section 101.1 and the purchase is Categorically Exempt from CEQA for the same

1 reasons as set forth in the Planning Letter, and hereby incorporates such findings by
2 reference as though fully set forth in this Resolution; and, be it

3 FURTHER RESOLVED, That in accordance with the recommendations of the Director
4 of Property and Recreation and Park Commission, the Board of Supervisors hereby approves
5 the Purchase Agreement, in substantially the form presented to this Board, and authorizes
6 City staff to take all actions necessary to acquire the Property consistent with the Purchase
7 Agreement; and, be it

8 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
9 Property to complete the purchase of the Property and, working with and through the Director
10 of Public Works, remediate the Property, using Park, Recreation and Open Space Funds as
11 contemplated herein; and, be it

12 FURTHER RESOLVED, That the Board of Supervisors urges appropriate funding be
13 provided to the Recreation and Park Department, through the budget process, to adequately
14 staff and service any newly acquired park facilities; and, be it

15 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
16 Property, in consultation with the City Attorney and General Manager of RPD, to enter into
17 any additions, amendments or other modifications to the Purchase Agreement that the
18 Director of Property determines are in the best interests of the City, do not materially increase
19 the obligations or liabilities of the City or materially decrease the benefits to the City, and are
20 in compliance with all applicable laws, including the City's Charter; and, be it

21 FURTHER RESOLVED, That the Director of Property is hereby authorized and urged,
22 in the name and on behalf of the City and County, to accept the Deed to the Property from the
23 Noe Valley Ministry PCUSA in accordance with the Purchase Agreement, place the Property
24 under the jurisdiction of RPD, and to take any and all steps (including, but not limited to, the
25 execution and delivery of any and all certificates, agreements, notices, consents, escrow

1 instructions, closing documents and other instruments or documents) as the Director of
2 Property deems necessary or appropriate in order to consummate the purchase of the
3 Property pursuant to the Purchase Agreement, or to otherwise effectuate the purpose and
4 intent of this Resolution, such determination to be conclusively evidenced by the execution
5 and delivery by the Director of Property of any such documents; and, be it

6 FURTHER RESOLVED, That the purchase of the Property shall be funded from the
7 Open Space Acquisition Fund and not the Park, Recreation and Open Space Fund; and, be it

8 FURTHER RESOLVED, That all actions heretofore taken by the officers of the City
9 with respect to the Purchase Agreement, or authorized and directed by this Resolution, are
10 hereby ratified, approved and confirmed by this Board of Supervisors.

\$4,242,510 available
Index Code:
2S OSP CPR, REC2SOSPCPR, CRPACQ01

Controller

RECOMMENDED:

Director of Property

RECOMMENDED:

General Manager
Recreation and Park Department