

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 14-0163

WHEREAS, The City and County of San Francisco (City), through its Public Utilities Commission (SFPUC), owns a sanitary sewer easement (Easement) under the real property located at 98 Crown Terrace in San Francisco (Property), which is owned by Michele Sweeney and Lucy R. Wohltman, as joint tenants (together, Buyer); and

WHEREAS, Under the terms of a quitclaim deed dated October 8, 1958, City holds rights allowing for the construction, reconstruction, maintenance, operation, repair and/or removal of a sanitary sewer and related appurtenances; and

WHEREAS, Since the date City took possession of the Easement, City has not constructed any sewer infrastructure or related facilities in or on the Easement and has no future plans to use the Easement; and

WHEREAS, The SFPUC procured an appraisal for the Easement prepared by Advanced Appraisal International, Inc. dated October 22, 2013 and approved by the City's Director of Real Property, in the amount of \$16,000.00 (Appraisal); and

WHEREAS, The fair market value of the Easement was established based on the appraised value set forth in the Appraisal; and

WHEREAS, Buyer is the only potential purchaser of the Easement and is willing to pay the fair market value of \$16,000 for the Easement; and

WHEREAS, Section 8333 of the California Streets and Highways Code provides that the legislative body of a local agency may summarily vacate a public service easement under certain circumstances. In particular, Section 8333 provides that the legislative body of a local agency may summarily vacate a public service easement when (i) the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation, (ii) the easement has been determined to be excess by the easement holder, and (iii) there are no other public facilities located within the easement. In addition, Section 8334.5 of the California Streets and Highways Code allows for a summary vacation only if there are no in-place utility facilities that are in use and would be affected by the vacation; and

WHEREAS, The Department of Public Works has advised the SFPUC's Real Estate Services Division that there are no in-place public utility facilities within the Easement to be vacated; and

WHEREAS, On June 19, 2014, the Environmental Review Officer determined that this action is categorically exempt under Class 1, Section 15301(e)(2) of the CEQA Guidelines; and on June 25, 2014, the Planning Director found that the General Plan Easement vacation and sale conforms to the City's General Plan, and is consistent with the Eight Priority Policies of Planning Code Section 101.1; and

WHEREAS, The City and Buyer have negotiated an Agreement for Sale of Real Estate (the Sale Agreement), which provides for the sale of City's interest in the Easement to Buyer for \$16,000, subject to approval by the Board of Supervisors and the Mayor; now, therefore, be it

RESOLVED, That this Commission hereby finds that the Easement is surplus to the SFPUC's current and future utility needs and authorizes the Director of Property and/or the General Manager of the SFPUC to seek approval of the Sale Agreement by City's Board of Supervisors and the Mayor, and upon such approval, to execute the Sale Agreement in substantially the same form presented to this Commission; and be it

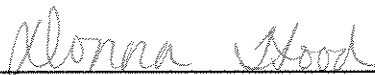
FURTHER RESOLVED, That this Commission hereby authorizes the General Manager of the San Francisco Public Utilities Commission and/or the Director of Property to enter into any amendments or modifications to the Sale Agreement, including the exhibits, that the General Manager or Director of Property determines, in consultation with the City Attorney, are in the best interest of the City, do not materially increase the obligations or liabilities of the City or materially diminish the benefits to the City, are necessary or advisable to effectuate the purposes and intent of the Sale Agreement or this resolution; and are in compliance with all applicable laws, including the City Charter; and be it

FURTHER RESOLVED, That this Commission hereby authorizes and directs the SFPUC's General Manager to execute the Sale Agreement, subject to Board of Supervisors and Mayor approval; and be it

FURTHER RESOLVED, That, upon approval by City's Board of Supervisors and the Mayor, this Commission authorizes the Director of Property and/or the SFPUC General Manager to execute and deliver the quitclaim deed conveying the Easement to Buyer; and be it

FURTHER RESOLVED, That upon approval by City's Board of Supervisors and the Mayor, this Commission authorizes the Director of Property and/or the General Manager of the SFPUC to take any and all other steps they, in consultation with the City Attorney, deem necessary and advisable to effectuate the purpose and intent of this Resolution.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of October 14, 2014.



Secretary, Public Utilities Commission