

1 [Real Property Acquisition - Easement from 2525 Marin LP - Kansas and Marin Streets Sewer
2 System Improvement Project - \$13,500]

3 **Resolution approving and authorizing the acquisition of one permanent access**
4 **easement from 2525 Marin LP, a Delaware limited partnership, for \$13,500 to be used**
5 **by the City and County of San Francisco for the right to improve, inspect, maintain,**
6 **repair, operate, and have access over, in, and upon a portion of the property located at**
7 **2525 Marin Street for the Kansas and Marin Streets Sewer System Improvement**
8 **Project, Project No. CWWSIPCSSR03; adopting findings under the California**
9 **Environmental Quality Act; adopting findings that the conveyance is consistent with**
10 **the General Plan, and the eight priority policies of Planning Code, Section 101.1; and**
11 **approving the Agreement and authorizing the Director of Property and/or the San**
12 **Francisco Public Utilities Commission General Manager to execute documents, make**
13 **certain modifications, and take certain actions in furtherance of this Resolution, as**
14 **defined herein.**

15
16 WHEREAS, The San Francisco Public Utilities Commission ("SFPUC") has developed
17 and approved the Kansas and Marin Streets Sewer System Improvement Project ("Project"),
18 Project No. CWWSIPCSSR03, a sewer project included as part of the Sewer System
19 Improvement Program ("SSIP"), with the primary purpose of upgrading the City and County of
20 San Francisco's aging sewer system and to increase the wet-weather conveyance for
21 combined sewer flows for the Cesar Chavez Street area in the Islais Creek Drainage Basin;
22 and

23 WHEREAS, The Project is located in the City and County of San Francisco ("City") and
24 its completion would help SFPUC achieve the actions necessary to implement this portion of
25 SSIP adopted by the SFPUC in Resolution No. 15-0111; and

1 WHEREAS, On April 21, 2015, the San Francisco Planning Department determined
2 that the Project is exempt from the California Environmental Quality Act (“CEQA”) as a
3 Class 1 (Existing Facilities) and Class 3 (New Construction or Conversion of Small
4 Structures) under CEQA Guidelines, Sections 15301 and 15303; and

5 WHEREAS, The San Francisco Planning Department found the Project consistent
6 with the General Plan, and eight priority policies of Planning, Section 101.1 (“General Plan
7 Findings”) by Case No. 2015-010965GPR, a copy of which is on file with the Clerk of the
8 Board of Supervisors under File No. 160540, which is incorporated herein by this reference;
9 and

10 WHEREAS, The Project requires that the City acquire one (1) permanent access
11 easement (“the “Easement”) over, in, across, in and upon a portion of that real property
12 owned by 2525 Marin LP, a Delaware limited partnership (“Grantor”) located 2525 Marin
13 Street also known as Assessor’s Parcel Block No. 4343, Lot No. 001D in the City and County
14 San Francisco; and

15 WHEREAS, On May 12, 2015, by SFPUC Resolution No. 15-0111, a copy of which
16 is on file with the Clerk of the Board of Supervisors under File No. 160540, which is
17 incorporated herein by this reference and approved the proposed acquisition of the
18 Easement by authorizing the SFPUC General Manager and/or the Director of Property
19 through consultation with the Office of the City Attorney, following Board of Supervisors
20 approval of the acquisition of the Easement, to accept and execute final agreements, and
21 any other related documents necessary to consummate the transactions contemplated
22 therein; and

23 WHEREAS, The Director of Property has determined, based on an independent
24 appraisal dated August 13, 2015, that the purchase price of \$13,500 reflects the fair market
25 value of the Easement; and

1 WHEREAS, SFPUC staff, through consultation with the Director of Property and the
2 Office of the City Attorney, have negotiated with the Grantor the proposed terms and
3 conditions of City’s acquisition of the Easement as set forth in the form of an Agreement for
4 Purchase and Sale of Real Estate (“Agreement”), between City, as Grantee, and Grantor, a
5 copy of which is on file with the Clerk of the Board of Supervisors under File No. 160540,
6 which is incorporated herein by reference and is considered part of the record before this
7 Board; now, therefore, be it

8 RESOLVED, That in accordance with the recommendations of the Public Utilities
9 Commission and the Director of Property, the Board of Supervisors hereby approves the
10 Agreement and the transaction contemplated thereby in substantially the form of such
11 instrument presented to this Board; and, be it

12 FURTHER RESOLVED, That the Board of Supervisors ratifies the Agreement and
13 authorizes the Director of Property and/or the SFPUC’s General Manager to enter into any
14 additions, amendments, or other modifications to the Agreement (including, without
15 limitation, the attached exhibits) that the Director of Property and/or the SFPUC’s General
16 Manager determines are in the best interest of the City, that do not materially increase the
17 obligations or liabilities of the City, and are necessary or advisable to complete the
18 transaction contemplated in the Agreement and effectuate the purpose and intent of this
19 resolution, such determination to be conclusively evidenced by the execution and delivery
20 by the Director of Property of the Agreement and any amendments thereto; and, be it

21 FURTHER RESOLVED, That the Director of Property is hereby authorized and
22 urged, in the name and on behalf of the City and County, to execute and deliver the
23 Agreement with Grantor upon the closing in accordance with the terms and conditions of
24 the Agreement, and to take any and all steps (including, but not limited to, the execution
25 and delivery of any and all certificates, agreements, notices, consents, escrow instructions,

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

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\$13,500.00 available
Index Code: 573786

Controller

1 RECOMMENDED:

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3 _____
4 Director of Property
5 Real Estate Division

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8 RECOMMENDED:

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11 General Manager
12 San Francisco Public Utilities Commission

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