

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 16-0263

WHEREAS, The City and County of San Francisco (City) owns certain real property presently under the jurisdiction of the San Francisco Public Utilities Commission (SFPUC) at 401 and 403 Old Bernal Avenue in Pleasanton, California (Property); and

WHEREAS, The SFPUC executive management deemed the Property to be non-essential to the SFPUC's current and future utility needs of each enterprise; and

WHEREAS, The SFPUC entered into an agreement dated March 4, 2016 with Colliers International CA, Inc. (Broker) for real estate brokerage services; and

WHEREAS, The SFPUC complied with reporting, notice and other requirements of the California Surplus Property Statute (California Government Code Sections 54220 through 54233) and the San Francisco Surplus Property Ordinance (San Francisco Administrative Code Chapter 23A) with respect to the sale of the Property; and

WHEREAS, The Broker advertised the Property on commercial real estate platforms for many weeks, posted signage on the Property, and produced offering memoranda and other marketing materials; and

WHEREAS, The SFPUC, through the Broker, solicited bids from prospective Property buyers between October 12, 2016 and October 27, 2016; and

WHEREAS, Pleasanton submitted the highest and best responsible offer to purchase the Property for \$4.2 million; and

WHEREAS, SFPUC staff and Pleasanton staff have agreed to the terms and conditions of a Purchase and Sale Agreement (Agreement), subject to the approval of this Commission, the Board of Supervisors and Mayor, and Pleasanton's City Council, tentatively scheduled for December 20, 2016; and

WHEREAS, This action would not fall within the definition of "project" under California Environmental Quality Act Guidelines Section 15378 because the sale of the underutilized property would not result in a direct physical change in the environment; now, therefore, be it

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

FURTHER RESOLVED, That this Commission hereby ratifies, approves and authorizes all actions heretofore taken by any City official in connection with this Agreement; and be it

FURTHER RESOLVED, That this Commission hereby approves the terms and conditions of this Agreement; and be it

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

FURTHER RESOLVED, That this Commission hereby authorizes the SFPUC General Manager and/or the Director of Property to enter into any amendments or modifications to this Agreement, including without limitation, 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; are necessary or advisable to effectuate the purposes and intent of the Agreement or this resolution; and are in compliance with all applicable laws, including the City Charter; 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 a quitclaim deed conveying the Property to Pleasanton; 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 December 13, 2016.



Secretary, Public Utilities Commission