

1 [Real Property Purchase and Sale Agreement - Sale of 401 and 403 Old Bernal Avenue,
2 Pleasanton, California - City of Pleasanton - \$4,200,000]

3 **Resolution approving and authorizing the execution of a Purchase and Sale Agreement**
4 **with the City of Pleasanton, for the conveyance by the City and County of San**
5 **Francisco, acting through the San Francisco Public Utilities Commission (SFPUC), to**
6 **the City of Pleasanton, consisting of approximately 3.18 acres of real property located**
7 **at 401 and 403 Old Bernal Avenue, Pleasanton, California for \$4,200,000; adopting**
8 **findings under the California Environmental Quality Act; adopting findings that the**
9 **conveyance is consistent with the General Plan, and the eight priority policies of**
10 **Planning Code, Section 101.1; and authorizing the Director of Property and/or the**
11 **SFPUC’s General Manager to execute documents, make certain modifications, and take**
12 **certain actions in furtherance of this Resolution.**

13
14 WHEREAS, The City and County of San Francisco (“City”), under the jurisdiction of the
15 San Francisco Public Utilities Commission (“SFPUC”), owns certain real property located
16 at 401 and 403 Old Bernal Avenue in Pleasanton, California, also known as Alameda County
17 Assessor’s Parcels Numbers 094-0157-005-17 and 094-0157-022-00, and also known as a
18 portion of SFPUC Parcel No. 69 (the “Property”); and

19 WHEREAS, The SFPUC Commission determined that the Property is no longer
20 required for SFPUC operational needs by Resolution No. 16-0263, dated December 13, 2016,
21 a copy of which is on file with the Clerk of the Board of Supervisors in File No. 170052; and

22 WHEREAS, Charter, Section 8B.121(a) grants the SFPUC Commission the exclusive
23 charge of the real property assets under the SFPUC Commission's jurisdiction; Charter,
24 Section 8B.121(e) provides that the SFPUC Commission may transfer real property interests
25 the SFPUC Commission declares to be surplus to the needs of any utility, and Charter,

1 Section 9.118(c) provides that any sale of real property owned by the City must be approved
2 in advance by the Board of Supervisors; and

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

7 WHEREAS, The SFPUC, through its real estate broker Colliers International CA, Inc.,
8 solicited bids from prospective buyers of the Property to be submitted between
9 October 12, 2016, and October 27, 2016; and

10 WHEREAS, The City of Pleasanton (“Pleasanton”) offered to purchase the property
11 for \$4,200,000, which SFPUC staff have determined to be the highest and best responsible
12 offer to purchase the Property for \$4,200,000; and

13 WHEREAS, SFPUC staff, through consultation with the Director of Property and the
14 Office of the City Attorney, have negotiated a proposed Purchase and Sale Agreement with
15 Pleasanton (“Purchase and Sale Agreement”), a copy of which is on file with the Clerk of the
16 Board of Supervisors under File No. 170052, which is incorporated herein by this reference;
17 and

18 WHEREAS, Pleasanton’s City Council approved the Purchase and Sale Agreement on
19 December 20, 2016; and

20 WHEREAS, The Director of the San Francisco Planning Department, by letter dated
21 November 6, 2016, found that the sale of the Property is consistent with the City’s General
22 Plan, and with the eight priority policies of Planning Code, Section 101.1, and is not a project
23 under CEQA Guidelines, Sections 15060(c) and 15378, a copy of which is on file with the
24 Clerk of the Board of Supervisors under File No. 170052, and is incorporated herein by
25 reference; now, therefore, be it

1 RESOLVED, That the Board of Supervisors hereby finds that the sale of the Property is
2 not a project under CEQA Guidelines, Sections 15060(c) and 15378 and is consistent with the
3 City's General Plan, and the eight priority policies of Planning Code, Section 101.1 as set forth
4 in the letter from the Director of Planning, dated November 6, 2016; and, be it

5 FURTHER RESOLVED, That the City's Board of Supervisors, in accordance with the
6 recommendations of the SFPUC and the Director of Property, hereby approves the terms and
7 conditions of the Purchase and Sale Agreement for the sale of the Property to Pleasanton and
8 authorizes the Director of Property and/or the SFPUC's General Manager, in the name and on
9 behalf of the City, to execute the Purchase and Sale Agreement in substantially the form
10 presented to the Board and to take any and all steps (including, but not limited to, the
11 execution and delivery of any and all certificates, agreements, notices, consents, escrow
12 instructions, closing documents, and other instruments or documents) as the Director of
13 Property or SFPUC General Manager deems necessary or appropriate in order to
14 consummate the Purchase and Sale Agreement, or to otherwise effectuate the purpose and
15 intent of this resolution, such determination to be conclusively evidenced by the execution and
16 delivery by the Director of Property and/or SFPUC General Manager of any such documents;
17 and, be it

18 FURTHER RESOLVED, That the Board of Supervisors hereby authorizes the Director
19 of Property and/or the SFPUC General Manager, in the name and on behalf of the City, to
20 enter into any amendments or modifications to the Purchase and Sale Agreement and enter
21 into ancillary agreements (including the exhibits attached to the Purchase and Sale
22 Agreement) and any other documents or instruments in connection with the Purchase and
23 Sale Agreement that the Director of Property or SFPUC General Manager determines, in
24 consultation with the City Attorney, are in the City's best interest, do not materially decrease
25 the City's benefits or materially increase the City's liabilities or obligations in connection with

1 the proposed sale transaction, and are necessary and advisable to complete the proposed
2 sale transaction and effectuate the purpose and intent of this Resolution, such determination
3 to be conclusively evidenced by the execution and delivery by the Director of Property or
4 SFPUC General Manager of any such additions, amendments, or other modifications; and, be
5 it

6 FURTHER RESOLVED, That the Director of Property and/or the SFPUC General
7 Manager is hereby authorized and urged, in the name and on behalf of the City and County of
8 San Francisco, to take any and all steps (including, but not limited to, the execution and
9 delivery of any and all certificates, agreements, notices, consents, escrow instructions, closing
10 documents and other instruments or documents) as the Director of Property deems necessary
11 or appropriate in order to consummate the conveyance of the Property pursuant to the
12 Purchase and Sale Agreement, or to otherwise effectuate the purpose and intent of this
13 Resolution, such determination to be conclusively evidenced by the execution and delivery by
14 the Director of Property and/or the SFPUC General Manager of any such documents; and, be
15 it

16 FURTHER RESOLVED, That the Director of Property shall provide the Clerk of the
17 Board of Supervisors a fully executed copy of the Purchase and Sale Agreement within thirty
18 (30) days of signature of same.

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