

1 [Agreement to Purchase 4-8 Guy Place]

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3 **Resolution approving and authorizing an agreement for the purchase of real**
4 **property located on 4-8 Guy Place (Lot 005, Block 3749), for public open space for a**
5 **purchase price of \$1,800,000; adopting findings that the conveyance is exempt from**
6 **Environmental Review and is consistent with the City's General Plan and Eight**
7 **Priority Policies of City Planning Code Section 101.1; and authorizing the Director of**
8 **Property to execute documents, make certain modifications and take certain actions**
9 **in furtherance of this resolution.**

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11 WHEREAS, Under Section 318.6 of the San Francisco Planning Code, monies on
12 deposit in the Rincon Hill Community Improvements Fund (the "Fund") may be allocated for
13 the acquisition of property for recreational or open space within 250 feet of the Rincon Hill
14 Downtown Residential (DTR) District (the "Rincon Hill District") with the approval of both
15 the Recreation and Park and Planning Commissions after a joint public hearing held by
16 such bodies regarding such acquisition; and,

17 WHEREAS, At a joint hearing held on March 15, 2007, the Planning Commission
18 and Recreation and Park Commission each took action to approve the purchase of the
19 subject vacant site which lies within the boundaries of the Rincon Hill District for Public
20 Open Space and authorize the allocation of the necessary acquisition monies from the
21 Fund; and,

22 WHEREAS, Copies of the official actions taken by the commissions at such joint
23 public hearing are on file with the Clerk of the Board of Supervisors under File No. 070394,
24 and which actions are incorporated herein by this reference; and,

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1 WHEREAS, A copy of the Agreement of Purchase and Sale of Real Estate (the
2 “Purchase Agreement”) between the City, as Buyer, and Seller, is on file with the Clerk of
3 the Board of Supervisors under File No. 070394; and,

4 WHEREAS, The Purchase Agreement provides for the conveyance of the Property
5 to City, subject to the satisfaction of certain conditions, including the payment of a purchase
6 price of \$1,800,000 and the grant by the City of a non-exclusive easement across a portion
7 of the Property for emergency exiting from the building located at 330 First Street and for
8 egress to the public street known as Guy Place in connection with such emergency exiting;
9 and,

10 WHEREAS, The Director of Property has determined, based on an independent MAI
11 appraisal, that the purchase price reflects the fair market value of the Property; and,

12 WHEREAS, The Director of Planning, by letter dated May 22, 2006, found that the
13 acquisition of the Property contemplated by the Purchase Agreement, is consistent with the
14 City’s General Plan, and with the Eight Priority Policies of City Planning Code Section
15 101.1, and is exempt from Environmental Review, which letter is on file with the Clerk of the
16 Board of Supervisors under File No. 070394, and which letter is incorporated herein by this
17 reference; now, therefore, be it

18 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
19 hereby finds that the Purchase Agreement is consistent with the General Plan, and with the
20 Eight Priority Policies of City Planning Code Section 101.1 and is exempt from
21 Environmental Review for the same reasons as set forth in the letter of the Director of
22 Planning, dated May 22, 2006, and hereby incorporates such findings by reference as
23 though fully set forth in this resolution; and, be it

24 FURTHER RESOLVED, That in accordance with the recommendations of the
25 Recreation and Park Commission, the Planning Commission, and the Director of Property,

1 the Board of Supervisors hereby approves the Purchase Agreement and the transaction
2 contemplated thereby in substantially the form of such agreement presented to this Board;
3 and, be it

4 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
5 Property to enter into any additions, amendments or other modifications to the Purchase
6 Agreement (including, without limitation, the attached exhibits) that the Director of Property
7 determines are in the best interest of the City, that do not increase the purchase price for
8 the Property or otherwise materially increase the obligations or liabilities of the City, and are
9 necessary or advisable to complete the transaction contemplated in the Purchase
10 Agreement and effectuate the purpose and intent of this resolution, such determination to
11 be conclusively evidenced by the execution and delivery by the Director of Property of the
12 Purchase Agreement and any amendments thereto; and, be it

13 FURTHER RESOLVED, That the Director of Property is hereby authorized and
14 urged, in the name and on behalf of the City and County, to accept the deed to the Property
15 from the Seller upon the closing in accordance with the terms and conditions of the
16 Purchase Agreement, to grant the egress easement in favor of the owner of 330 First
17 Street upon the closing in accordance with the terms and conditions of the Purchase
18 Agreement, and to take any and all steps (including, but not limited to, the execution and
19 delivery of any and all certificates, agreements, notices, consents, escrow instructions,
20 closing documents and other instruments or documents) as the Director of Property deems
21 necessary or appropriate in order to consummate the conveyance of the Property pursuant
22 to the Purchase Agreement, or to otherwise effectuate the purpose and intent of this
23 resolution, such determination to be conclusively evidenced by the execution and delivery
24 by the Director of Property of any such documents; and, be it

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1 FURTHER RESOLVED, That jurisdiction of the subject property remain under the
2 City's Real Estate Division until funds are allocated and/or appropriated to improve the
3 parcel substantially similar to a conceptual plan approved by the Recreation and Park
4 Commission, at which time jurisdiction will be transferred to the Recreation and Park
5 Department without the need for further Board of Supervisors approval.

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8 RECOMMENDED:

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Amy L. Brown
Director of Property

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