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[Sale of Vacant Real Property Located at 849 Cesar Chavez Street, San Francisco, California (Lot 5 in Assessor's Block 4357)]

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4   **Resolution authorizing the sale of vacant land under the jurisdiction of the San**

5   **Francisco Public Utilities Commission to Gaehwiler; adopting findings that the**

6   **conveyance is in conformity with the City's General Plan and is consistent with the**

7   **Eight Priority Policies of City Planning Code Section 101.1; adopting findings pursuant**

8   **to the California Environmental Quality Act; ratifying acts and authorizing actions in**

9   **furtherance of this resolution; and authorizing the Director of Property to execute**

10   **documents, make certain modifications and take certain actions in furtherance of this**

11   **resolution.**

12

13   WHEREAS, The City and County of San Francisco owns Lot 5 within Assessor's Block

14   4357 in the City and County of San Francisco, under the jurisdiction of the San Francisco

15   Public Utilities Commission ("SFPUC") in its Clean Water Program; and

16   WHEREAS, The Real Estate Division contracted with David Bohegian, MAI, an

17   independent fee appraiser, to prepare an appraisal of the fair market value of the Subject

18   Property, which appraisal, dated October 10, 2003, produced a fair market value of $175,000

19   as a "stand alone" parcel and a fair market value of $190,000 to the owners of the adjacent

20   property known as Lot 6 in Assessor's Block 4357; and,

21   WHEREAS, The SFPUC has by its Resolution No. 04-0150, a copy of which is on file

22   with the Clerk of the Board of Supervisors in File No. 070393, declared Lot 5 in Assessor's

23   Block 4357 to be surplus property and authorized a request for the Director of Property to

24   process a sale of Lot 5 (the "Subject Property"), which contains approximately 8,862 square

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1 feet and is shown on the block map on file with the Clerk of the Board of Supervisors in File

2 No. 070393; and,

3 WHEREAS, By letter dated October 28, 2003, a copy of which is on file with the Clerk

4 of the Board of Supervisors in File No. 070393, which is hereby declared to be a part of this

5 resolution as if set forth fully herein, the Planning Department reported its findings that the

6 proposed sale is categorically exempt from the Environmental Review under Class 12-Surplus

7 of Government Property Sales-of the State Environmental Review Guidelines, is in conformity

8 with City's General Plan and is consistent with the Eight Priority Policies of Planning Code

9 Section 101.1; and,

10 WHEREAS, The owners of Lot 6 in Assessor's Block 4357, (the Gaehwiler 2000 Trust

11 with Martin Gaehwiler, Sr., as Trustee, and Martin Gaehwiler, Jr., a married man as his sole

12 and separate property) expressed their interest in purchasing the Subject Property and

13 entered into a Purchase and Sale Agreement, dated December 5, 2006, with the City to

14 purchase the property for $290,000; and,

15 WHEREAS, the Real Estate Division conducted a public auction on December 12,

16 2006, for the sale of four surplus properties, one of which was the Subject Property; and,

17 WHEREAS, Martin Gaehwiler, Jr., submitted the high bid of $600,000 and has entered

18 into an Offer to Purchase with the City (the "Agreement"), a copy of which is on file with the

19 Clerk of the Board of Supervisors in File No. 070393; and, now, therefore, be it

20 RESOLVED, That this Board of Supervisors in accordance with the recommendation of

21 the Director of Property hereby approves the Agreement and the transactions contemplated

22 thereby and authorizes the Director of Property to execute the Agreement on behalf of the

23 City, in substantially the form of such Agreement presented to this Board; and, be it

24 FURTHER RESOLVED, That this Board of Supervisors adopts as its own and

25 incorporates by reference herein, as though fully set forth, the findings made by the Planning

1 Department that this sale of land is categorically exempt from environmental review, is in

2 conformity with the General Plan and is consistent with the Eight Priority Policies of City

3 Planning Code Section 101; and, be it

4 FURTHER RESOLVED, That this Board of Supervisors authorizes the Director of

5 Property to execute a Quitclaim Deed (the "Deed") to effect the conveyance described in the

6 Agreement; and, be it

7 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of

8 Property to enter into any additions, amendments or other modifications to the Agreement and

9 to the Deed (including without limitation, any exhibits) that the Director of Property, along with

10 the City Attorney, determines are in the best interest of the City, do not decrease the revenues

11 to the City, or do not materially increase the obligations or liabilities of the City and are

12 advisable to complete the transactions contemplated by the Agreement and Deed and to

13 effectuate the purpose and intent of this resolution.

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15 RECOMMENDED:

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17 _____
Director of Property

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City and County of San Francisco

Tails

Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 070393   **Date Passed:**

Resolution authorizing the sale of vacant land, located at 849 Cesar Chavez Street, under the jurisdiction of the San Francisco Public Utilities Commission to Gaehwiler; adopting findings that the conveyance is in conformity with the City's General Plan and is consistent with the Eight Priority Policies of City Planning Code Section 101.1; adopting findings pursuant to the California Environmental Quality Act; ratifying acts and authorizing actions in furtherance of this resolution; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution.

May 15, 2007   Board of Supervisors — ADOPTED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 070393

I hereby certify that the foregoing Resolution
was ADOPTED on May 15, 2007 by the
Board of Supervisors of the City and County
of San Francisco.

Kay Gulbengay
Kay Gulbengay
Interim Clerk of the Board

_S/25/07_
Date Approved

Mayor Gavin Newsom

File No. 070393