

1 [Agreement to Purchase 850 Broderick Street]

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3 **Resolution approving and authorizing an agreement for the purchase of real**
4 **property located at 850 Broderick Street to house low-income people for a purchase**
5 **price of \$3,100,000; 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.**

10
11 WHEREAS, The Department of Human Services has authorized the purchase of a
12 2 ½ story residential care facility containing 32 bedrooms and located at 850 Broderick
13 Street (Lot 23 in Assessor Block 1156) for the Department of Human Services to implement
14 an adopted Housing Assistance Plan to house low-income people; and,

15 WHEREAS, A copy of the Agreement of Purchase and Sale of Real Estate (the
16 "Purchase Agreement") between the City, as Buyer, and Seller, is on file with the Clerk of
17 the Board of Supervisors under File No. 031887; and,

18 WHEREAS, The Purchase Agreement provides for the conveyance of the Property
19 to City, subject to the satisfaction of certain conditions, including the payment of a purchase
20 price of \$3,100,000; and,

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

23 WHEREAS, Under Resolution No. 89-03, on file with the Clerk of the Board of
24 Supervisors in File No. 030193, which is hereby declared to be a part of this resolution as if
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1 set forth fully herein, the Board of Supervisors designated portions of the Arendt estate to
2 be used to provide housing and related services for the poor and needy people and the
3 most needy seniors of San Francisco; and,

4 WHEREAS, A portion of the funds from the Arendt estate shall fund the purchase of
5 the Property, subject to the use restrictions approved by the Probate Court and more fully
6 explained in the court's order attached hereto as Attachment B, as submitted through the
7 Public Administrator; and,

8 WHEREAS, Subsequent to the purchase of the property by the City, if the building is
9 ever sold by the City, proceeds of the sale will be allocated between the City and the
10 Arendt Estate Gift Fund established by the Office of the Controller as more particularly
11 described in Attachment A, in order to reimburse the Arendt Estate Gift Fund in proportion
12 to the amount contributed by the Arendt estate for acquisition and renovation of the
13 building, compared to the total cost of acquisition and capital improvements to the building,
14 as defined by generally accepted accounting principles consistently applied. The Arendt
15 Estate Gift Fund's share of the proceeds of the sale of the building shall be deposited into
16 the Arendt Estate Gift Fund established by the Office of the Controller, subject to Zygmunt
17 Arendt's will as more fully described in the court's order, attached hereto as Attachment B;
18 and,

19 WHEREAS, Subsequent to the purchase of the Property by the City, if the building is
20 ever sold by the City, the Director of Property will notify the Attorney General's office of the
21 sale and will provide an estimate of the costs described in Attachment A 30 days before the
22 sale becomes final, and will provide a final accounting of the sale within 30 days after the
23 sale becomes final; consistent with the court's order attached hereto as Attachment B; and,

24 WHEREAS, The Director of Planning, by letter dated May 9, 2003, found that the
25 conveyance of the Property contemplated by the Purchase Agreement, is consistent with

1 the City's General Plan, and with the Eight Priority Policies of City Planning Code Section
2 101.1, and is exempt from Environmental Review, which letter is on file with the Clerk of the
3 Board of Supervisors under File No. 031887, and which letter is incorporated herein
4 by this reference; now, therefore, be it

5 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
6 hereby finds that the Purchase Agreement is consistent with the General Plan, and with the
7 Eight Priority Policies of City Planning Code Section 101.1 and is exempt from
8 Environmental Review for the same reasons as set forth in the letter of the Director of
9 Planning, dated May 9, 2003, and hereby incorporates such findings by reference as
10 though fully set forth in this resolution; and, be it

11 FURTHER RESOLVED, That in accordance with the order of the Probate Court
12 attached hereto as Attachment B and the recommendations of the Department of Human
13 Services and the Director of Property, the Board of Supervisors hereby approves the
14 Purchase Agreement and the transaction contemplated thereby in substantially the form of
15 such agreement presented to this Board; and, be it

16 FURTHER RESOLVED, That in consideration of the conveyance of the Property,
17 the City shall pay to the Seller a purchase price of \$3,100,000, upon the closing of the
18 conveyance of the Property to the City; and, be it

19 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
20 Property to enter into any additions, amendments or other modifications to the Purchase
21 Agreement (including, without limitation, the attached exhibits) that the Director of Property
22 determines are in the best interests of the City, that do not increase the purchase price for
23 the Property or otherwise materially increase the obligations or liabilities of the City, and are
24 necessary or advisable to complete the transaction contemplated in the Purchase
25 Agreement and effectuate the purpose and intent of this resolution, such determination to

1 be conclusively evidenced by the execution and delivery by the Director of Property of the
2 Purchase Agreement and any amendments thereto; and, be it

3 FURTHER RESOLVED, That the Director of Property is hereby authorized and
4 urged, in the name and on behalf of the City and County, to accept the deed to the Property
5 from the Seller upon the closing in accordance with the terms and conditions of the
6 Purchase Agreement, and to take any and all steps (including, but not limited to, the
7 execution and delivery of any and all certificates, agreements, notices, consents, escrow
8 instructions, closing documents and other instruments or documents) as the Director of
9 Property deems necessary or appropriate in order to consummate the conveyance of the
10 Property pursuant to the Purchase Agreement, or to otherwise effectuate the purpose and
11 intent of this resolution, such determination to be conclusively evidenced by the execution
12 and delivery by the Director of Property of any such documents; and, be it

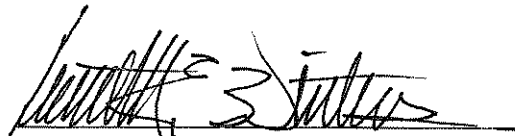
13 FURTHER RESOLVED, That the remaining portion of funds from the Arendt estate
14 designated for the poor and needy people of San Francisco shall be used to provide
15 services for those people.

16
17 RECOMMENDED:

18 Department of Human Services

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20 Trent Rhorer
21 Director

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23 Kenneth E. Winters
24 Acting Director of Property
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City and County of San Francisco

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

Tails

Resolution

File Number: 031887

Date Passed:

Resolution approving and authorizing an agreement for the purchase of real property located at 850 Broderick Street to house low-income people for a purchase price of \$3,100,000; adopting findings that the conveyance is exempt from Environmental Review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, making certain modifications and take certain actions in furtherance of this resolution.

January 13, 2004 Board of Supervisors — ADOPTED

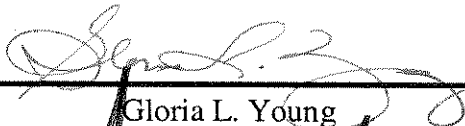
Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

File No. 031887

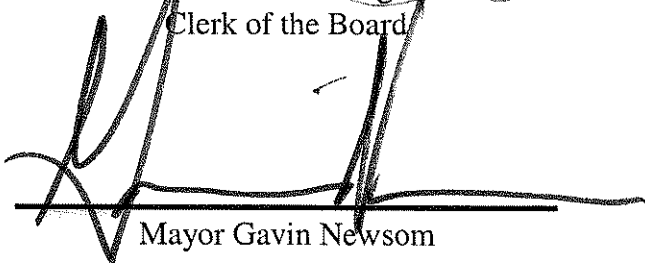
I hereby certify that the foregoing Resolution was ADOPTED on January 13, 2004 by the Board of Supervisors of the City and County of San Francisco.

JAN 16 2004

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Gavin Newsom