

84-11

1 [Sale of Surplus Property – 909 Tennessee Street - \$1,310,000]

2
3 **Resolution approving the sale of an improved surplus property located at 909**
4 **Tennessee, within Lot 001, Block 4108, City and County of San Francisco, to the**
5 **highest responsible cash bidder for a purchase price of not less than \$1,310,000;**
6 **adopting findings pursuant to the California Environmental Quality Act; adopting**
7 **findings that the conveyance is consistent with the City’s General Plan and Eight**
8 **Priority Policies of City Planning Code Section 101.1; and authorizing the Director of**
9 **Property to execute documents, make certain modifications and take certain actions in**
10 **furtherance of this Resolution.**

11
12 WHEREAS, The City and County of San Francisco owns an "L" shaped parcel of real
13 property located at the corner of 20th Street and Third Street and extending from Third Street
14 to Tennessee Street, commonly known as Assessor's Block 4108, Lot 001; and,

15 WHEREAS, The 50 foot by 100 foot portion of such parcel that fronts Tennessee
16 Street, commonly known as 909 Tennessee Street (the "Subject Property"), which is not a
17 separate legal parcel, is under the jurisdiction of the San Francisco Fire Department; and,

18 WHEREAS, The Subject Property is improved with an unreinforced masonry building
19 that is used currently only for storage, and would require extensive improvements for further
20 use; and,

21 WHEREAS, The Fire Commission has by Fire Commission Resolution No. 2010-05,
22 approved 5-0 on August 26, 2010, a copy of which is on file with the Clerk of the Board of
23 Supervisors in File No. 101479 declared the Subject Property to be surplus and requested
24 that the Subject Property be sold at a public sale; and,

25 WHEREAS, the Fire Department budget as shown in the adopted AAO for FY 2010-
2011 reflected anticipated revenue of \$725,000 from the sale of the Subject Property; and,

1 WHEREAS, In accordance with the Fire Commission Resolution sealed bids were
2 received at a public bid opening on November 23, 2010, with minimum bid amount of
3 \$340,000.00; and,

4 WHEREAS, The highest bidder, who tendered a bid amount of \$1,310,000.00,
5 subsequently failed to perform and the Director of Property recommends conducting another
6 public auction on or around March 1, 2011 at which the Director of Property will receive and
7 recommend acceptance of the highest bid, with a minimum bid price of \$1,310,000, in
8 accordance with the terms and conditions of the Agreement of Sale of Real Estate (the
9 "Agreement"), a copy of which is on file with the Clerk of the Board of Supervisors in File No.
10 101479; and,

11 WHEREAS, The Director of Planning, by letter dated July 27, 2010, found that the
12 sale of the Subject Property is categorically exempt from environmental review pursuant to
13 CEQA guidelines and is consistent with the City's General Plan and the Eight Priority Policies
14 of City Planning Code Section 101.1, which letter is on file with the Clerk of the Board of
15 Supervisors in File No. 101479, and which letter is incorporated herein by this reference;
16 now, therefore, be it


17 RESOLVED, That the Board of Supervisors hereby adopts the findings set forth in the
18 letter of the Director of Planning, dated July 27, 2010, that the sale of the Subject Property is
19 categorically exempt from environmental review pursuant to CEQA guidelines and is
20 consistent with the City's General Plan and the Eight Priority Policies of City Planning Code
21 Section 101.1 for the same reasons as set forth in the letter of the Director of Planning, and
22 hereby incorporates such findings by reference as though fully set forth in this resolution; and,
23 be it

24 FURTHER RESOLVED, That the Board of Supervisors hereby approves the
25 Agreement and the transaction contemplated thereby and authorizes the Director of Property

1 to insert the amount of the accepted bid as the purchase price in the Agreement and enter
2 into any additions, amendments or other modifications to the Agreement (including, without
3 limitation, the attached exhibits) that the Director of Property, in consultation with the City
4 Attorney, determines are in the best interest of the City, do not decrease the sales price for
5 the Subject Property or otherwise materially increase the obligations or liabilities of the City,
6 and are necessary or advisable to complete the transaction contemplated in the Agreement
7 and effectuate the purpose and intent of this Resolution, such determination to be
8 conclusively evidenced by the execution and delivery by the Director of Property of the
9 Agreement and any amendments thereto; and, be it

10 FURTHER RESOLVED, That the Director of Property is hereby authorized and urged,
11 in the name and on behalf of the City and County, to execute and deliver the deed to the
12 Subject Property to the purchaser upon the closing in accordance with the terms and
13 conditions of the Agreement, and to take any and all steps (including, but not limited to, the
14 execution and delivery of any and all certificates, agreements, notices, consents, escrow
15 instructions, closing documents and other instruments or documents) as the Director of
16 Property deems necessary or appropriate in order to consummate the conveyance of the
17 Subject Property pursuant to the Agreement, or to otherwise effectuate the purpose and intent
18 of this resolution, such determination to be conclusively evidenced by the execution and
19 delivery by the Director of Property of any such documents.

20
21 RECOMMENDED:

22 
23 _____
24 John Updike
25 Acting Director of Property



City and County of San Francisco

Tails
Resolution

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

File Number: 101479

Date Passed: February 15, 2011

Resolution approving the sale of an improved surplus property located at 909 Tennessee Street, within Lot No. 001, Block No. 4108, City and County of San Francisco, to the highest responsible cash bidder for a purchase price of not less than \$1,310,000; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the conveyance 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, make certain modifications and take certain actions in furtherance of this Resolution.

February 02, 2011 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

February 02, 2011 Budget and Finance Committee - CONTINUED AS AMENDED

February 09, 2011 Budget and Finance Committee - RECOMMENDED

February 15, 2011 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 101479

I hereby certify that the foregoing Resolution was ADOPTED on 2/15/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

Date Approved