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# TRANSBAY JOINT POWERS AUTHORITY

Board Policy No. 013

Category: Real Estate

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## AUTHORITIES RELATING TO ADMINISTRATION OF REAL PROPERTY

### **I. Purpose.**

Transbay Joint Powers Authority (“TJPA”) Board Policy No. 013: Authorities Relating to Administration of Real Property (“Policy”) authorizes the Executive Director to take certain specified actions relating to real property.

### **II. General Policy.**

The Executive Director is responsible for supervision, direction and control of the business and administration of the TJPA, including the acquisition, control, and management of all real property associated with the Transbay Transit Center Program (“Program”). To facilitate the efficient operation of the Program and to relieve the Board of Directors (“Board”) of responsibility for day-to-day administrative operations relating to real property, the Board authorizes the Executive Director to exercise certain powers relating to the administration of real property without further Board approval, unless directed otherwise by formal action of the Board. The Executive Director shall periodically report to the Board on the actions taken under this Policy.

### **III. Executive Director’s Authorities.**

The Executive Director may exercise the following authorities relating to real property without further approval by the Board, unless directed otherwise by formal action of the Board:

#### **A. Acquire Real Property Up to \$200,000.**

The Executive Director is authorized to acquire on behalf of the TJPA any real property interests necessary for the Program in an amount up to Two Hundred Thousand Dollars (\$200,000) per property, without further Board authorization. Prior to acquisition of such real property interests, an independent appraisal must be prepared, and the Executive Director must approve the purchase price based on sufficient evidence and a finding that the

purchase price complies with federal, state, and local law, and can be accommodated in the applicable TJPA budget approved by the TJPA Board. Any such acquisition shall be documented in a standard form of purchase and sale, easement, or other similar form of agreement determined by the Executive Director to be reasonable, appropriate, and in the best interests of the TJPA, based on consultation with legal counsel.

Any proposed acquisition of real property interests in an amount greater than Two Hundred Thousand Dollars (\$200,000) per property must be approved by the TJPA Board, in its sole discretion.

**B. Accept Real Property.**

Following the Board’s authorization of the expenditure of funds to acquire real property interests for the Program or the Executive Director’s exercise of authority pursuant to this Policy to acquire real property interests for the Program, the Executive Director is authorized to accept on behalf of the TJPA grant and quitclaim deeds, easements, and other instruments granting, quitclaiming, or otherwise conveying real property interests to the TJPA, and to sign any required certificate of acceptance of real property, without further Board authorization. When accepting the conveyance of real property interests, the Executive Director is also authorized to accept on behalf of the TJPA assignment of lease agreements and other similar agreements associated with such real property, as determined by the Executive Director to be reasonable, appropriate, and in the best interests of the TJPA, based on consultation with legal counsel.

The Executive Director is authorized to accept on behalf of the TJPA quitclaim deeds (also referred to as “Directors Deeds”) conveying real property interests to the TJPA under the Cooperative Agreement between the TJPA, the State Department of Transportation (“Caltrans”), and the City and County of San Francisco, without further Board authorization.

The Executive Director is authorized to accept on behalf of the TJPA releases of property interests and relinquishments of power of termination held by Caltrans and other project partners upon satisfaction of any applicable conditions to such release or relinquishment, without further Board authorization.

**C. Enter Short Term License, Lease, Entry, and Use Agreements.**

The Executive Director is authorized to enter into short-term agreements permitting

the license, lease, entry, or use of the TJPA's real property, without further Board authorization. Any such agreement shall limit occupancy of the TJPA's real property to a short term basis (typically, a "month-to-month" term and/or provide the TJPA the right to terminate the agreement at its sole discretion on thirty days' notice), consistent with the TJPA's planned use of the property for the Program. Any such agreement shall require consideration, which may be determined by the Executive Director in their reasonable judgment based on the facts and circumstances of the specific real property at issue and the terms of its proposed use. Any such agreement shall be in a standard form determined by the Executive Director to be reasonable, appropriate, and in the best interests of the TJPA, based on consultation with legal counsel.

The Executive Director is authorized to enter into short-term right of entry agreements permitting the TJPA to enter a third party's real property to conduct due diligence investigations to advance the Program, without further Board authorization. Any such right of entry agreement shall be in a standard form determined by the Executive Director to be reasonable, appropriate, and in the best interests of the TJPA, based on consultation with legal counsel.

**D. Pay Relocation Assistance Claims and Lost Business Goodwill Claims.**

The Executive Director is authorized to pay relocation assistance claims of up to Two Hundred Thousand Dollars (\$200,000) aggregate per displaced person, without further Board action. Prior to payment of any such claims, the TJPA's relocation assistance consultant must recommend payment of the claims and the Executive Director must approve the claims based on sufficient evidence and a finding that the claims comply with federal, state, and local law, and can be accommodated in the applicable TJPA budget approved by the TJPA Board.

The Executive Director is authorized to pay claims for lost business goodwill of up to Fifty Thousand Dollars (\$50,000) per displaced business, without further Board authorization. Prior to payment of any such claims, an independent goodwill loss appraisal must be prepared, confirming entitlement to goodwill loss and amount of goodwill loss, and the Executive Director must approve the claims based on sufficient evidence and a finding that the claims comply with state law, and can be accommodated in the applicable TJPA budget approved by the TJPA Board. Any such payment of goodwill loss claim shall

be documented in a standard form of agreement determined by the Executive Director to be reasonable, appropriate, and in the best interests of the TJPA, based on consultation with legal counsel.

Any relocation claim in an amount greater than Two Hundred Thousand Dollars (\$200,000) in the aggregate, and any goodwill loss claim in an amount greater than Fifty Thousand Dollars (\$50,000), per displaced person must be approved by the TJPA Board, in its sole discretion.

**E. Establish Just Compensation and Make Offers to Acquire.**

The Executive Director is authorized to establish the amount of just compensation for the acquisition of any real property interests necessary for the Program without further Board authorization. The establishment of just compensation shall be based on at least one independent appraisal, a review appraisal (if required under applicable regulations), and concurrence by the Federal Transit Administration (FTA) (if required under applicable regulations).

The Executive Director may authorize the TJPA's real estate negotiator to offer an amount established as just compensation to a property owner for acquisition of the property; provided, however, that any acquisition based on an offer to acquire is subject to approval by the Board for property in an amount greater than \$200,000 and by the Executive Director for property in an amount up to \$200,000, in their sole discretion.

**F. Certify Right of Way.**

The Executive Director is authorized to certify to the State the status of all real estate acquisition and relocation assistance related matters for purposes of advertising and awarding construction contracts for the Program without further Board approval; provided, however, that any award of a construction contract for the Program is subject to approval of the Board, in its sole discretion.