

RESOLUTION NO. 23-16

RESOLUTION OF THE BOARD OF HARBOR COMMISSIONERS OF THE SAN MATEO COUNTY HARBOR DISTRICT APPROVING A PURCHASE AND SALE AGREEMENT BETWEEN THE DISTRICT, AS BUYER, AND JOE AMARAL, LLC, AS SELLER

The Board of Harbor Commissions of the San Mateo County Harbor District does hereby resolve as follows:

Section 1. That certain Purchase and Sale Agreement ("Agreement"), a copy of which is on file with the District Secretary, between the San Mateo County Harbor District ("District"), as buyer, and Joe Amaral, LLC, as seller ("Seller"), for the purchase and sale of land in the County of San Mateo, California ("Agreement") is hereby approved.

Section 2. The District has the authority to purchase or acquire real property under the Harbors and Navigation Code (HNC). HNC § 6074. The District finds itself with an opportunity to acquire land, and hereby finds that this action is excluded from the definition of a "project" under § 15378(b)(4) of the State CEQA Guidelines, and is exempt from CEQA under § 15061(b)(3) of the CEQA Guidelines (the "common sense exemption"). Further, "government fiscal activity" that does not involve commitment to a "specific project which may result in a potentially significant physical impact on the environment" is categorically excluded from the definition of "project." CEQA Guidelines § 15378(b)(4). This purchase does not involve any commitment to a specific project or development, and the District is not committing itself to any definite course of action through this purchase. Appropriate environmental review pursuant to CEQA must, and will be completed if, and before any commitment to a project or development of the land occurs.

Section 3. The General Manager of the District is authorized and directed to execute said Agreement on behalf of the District.

Section 4. The General Manager of the San Mateo Harbor District is hereby authorized to make any necessary changes, adjustments, or amendments to the Agreement to ensure its compliance with legal requirements, or to rectify any errors or omissions that may arise. The General Manager reserves the right to implement additional modifications or adjustments as deemed prudent or necessary in their sole discretion for the best interests of the San Mateo Harbor District.

Section 5. The General Manager or his or her designee shall administer the terms of the Agreement on behalf of the District and shall execute all documents required of District thereunder or otherwise necessary or

convenient for the transaction described therein, including the appropriate Certificate of Acceptance, and may enter into non-substantial amendments to the Agreement provided they are in writing.

Section 6. The General Manager of the District shall furnish to Seller (or its representative) a copy of the Agreement after it has been executed by the District, together with a copy of this resolution.

PASSED, APPROVED AND ADOPTED by the Board of Harbor Commissioners of the San Mateo County Harbor District at a regular meeting held on November 15, 2023 by a recorded vote as follows:

For: Zemke, Domurat, Chang Kiraly, Slater-Carter

Against: None

Absent: Mattusch

Abstain: None

BOARD OF HARBOR COMMISSIONERS



William Zemke, Board President

ATTEST:



Melanie Hadden, Deputy Secretary