BILL OF SALE
FOR UTILITY INFRASTRUCTURE
RELATED TO TREASURE ISLAND

This Bill of Sale is made this ________ day of ______________, 20______ (“Effective Date”) by and between the UNITED STATES OF AMERICA, acting by and through the Department of the Navy (“Navy”), for the benefit of the TREASURE ISLAND DEVELOPMENT AUTHORITY (“Authority”), recognized as the local redevelopment authority with regard to the disposition and conveyance of portions of Naval Station Treasure Island, San Francisco, California. The Navy and the Authority are each sometimes referred to herein individually as a “Party” and collectively as the “Parties.”

RECITALS

1. In 1993, the Defense Base Closure and Realignment Commission recommended the closure of Naval Station Treasure Island (“Treasure Island”), located within the City and County of San Francisco (“City”), which consists of approximately one thousand one hundred and eighty-seven (1,187) acres of real property, together with the buildings, improvements and related and other tangible personal property located thereon and all rights, easements and appurtenances thereto.

2. Pursuant to the power and authority provided by § 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990, 10 U.S.C. § 2687 note, as amended, and the implementing regulations of the Department of Defense (32 C.F.R. Part 174), the Secretary of the Navy is authorized to convey surplus property at a closing installation to the Local Redevelopment Authority for economic development purposes.

3. The Parties entered into the Economic Development Conveyance Memorandum of Agreement between the United States of America, acting by and through the Department of the Navy, and the Treasure Island Development Authority for the Conveyance of the Naval Station Treasure Island, dated ______________, 2012. (“Agreement”).

4. Pursuant to Section 3.1.2 of the Agreement, the Navy agreed to transfer to the Authority by bill of sale the Utility Infrastructure consisting of all utilities and related support infrastructure located on and off the Navy Real Property that serve the Navy Real Property such as electrical, water, sewer, gas, storm drainage and telecommunications lines.

MUTUAL UNDERSTANDINGS

NOW, THEREFORE, in consideration of the foregoing recitals and other consideration set forth herein, it is mutually agreed as follows:

1. Transfer. For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Navy hereby grants, releases, quitclaims and transfers to the
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Authority title and ownership of those portions of the Utility Infrastructure owned by the Navy described on Exhibit A hereto which are located and situated on the Navy Real Property described on Exhibit B\(^1\) hereto, and those portions of the Utility Infrastructure owned by the Navy located and situated on property not owned by the Navy, but serving the Navy Real Property, described on Exhibit C hereto.\(^2\)

2. **No Warranty.** The Utility Infrastructure transferred under this Bill of Sale is conveyed without warranty of any kind and is delivered to the Authority “as is,” “where is.” The Navy makes no warranty as to the Utility Infrastructure’s usability generally or as to its fitness for any particular purpose.

3. **Counterparts.** This Bill of Sale may be executed in multiple counterparts and/or with the signatures of the Parties set forth on different signature sheets and all such counterparts, when taken together, shall be deemed one original.

[SIGNATURE PAGE FOLLOWS]

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\(^1\) Note: Exhibit B to be included with each Bill of Sale.

\(^2\) Note: Exhibit C to be included only in the first Bill of Sale.
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IN WITNESS WHEREOF, the Parties, intending to be legally bound hereby, have caused their duly appointed representatives to execute this Bill of Sale as of the Effective Date set forth above.

WITNESS/ATTEST:

THE UNITED STATES OF AMERICA

By:_______________________________
Name:_____________________________
Title:_____________________________

Date:_____________________________

ATTEST:

TREASURE ISLAND DEVELOPMENT AUTHORITY

By:_______________________________
Name:_____________________________
Title:_____________________________

Date:_____________________________
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CERTIFICATE OF ACCEPTANCE

Government Code Section 27281

This is to certify that the interest in utility infrastructure conveyed by the Bill of Sale for the Utility Infrastructure from the United States of America to the Treasure Island Development Authority of the City and County of San Francisco, a California non-profit public benefit corporation, existing under the laws of the State of California, Grantee, is hereby accepted by the undersigned officer, its ____________________, on behalf of the _____________________, pursuant to the authority conferred by Resolution No. __________, adopted on ______________, and the Grantee consents to the recordation thereof, by its duly authorized officer.

IN WITNESS WHEREOF, I have hereunder set my hand this _______ day of _____________, 20__. 

Approved As To Form:
DENNIS J. HERRERA, City Attorney

By:____________________________
Name:  
Deputy City Attorney

TREASURE ISLAND DEVELOPMENT AUTHORITY

By:____________________________
Name:  
Title:
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EXHIBIT A

Utility Infrastructure

Electric Utility Infrastructure: Any building, structure, surface, subsurface or elevated pipe, pole, line, service connection, conduit, feeder, wire, fixture, duct, manhole, handhole, cable, equipment, transformer, switch, generator, facility, and any necessary devices now or hereafter used or intended to be used for supplying, distributing or storing any Electric Utility Service.

Water Supply, Wastewater and Stormwater Infrastructure: Any building, structure, facility, pumphouse, pumping station, metering station, reducing station, lift station, containment vessel, catch basin, reservoir, outfalls, vault, or similar improvement, pipes, lines, service connections, conduits, tanks, feeders, wires, fixtures, ducts, manholes, handholes, hydrants, valves, cables, equipment (including but not limited to process equipment), and any necessary devices now or hereafter used or intended to be used for supplying, distributing, treating, storing, containing, or conducting any Water, Wastewater or Stormwater Utility Service.

Gas Supply and Steam Supply Infrastructure: Any structure, facility, metering station, meters, pressure regulators, valves, pipes, lines, service connections, conduits, tanks, fixtures, manholes, handholes, equipment, and any necessary devices now or hereafter used or intended to be used for the supplying, distributing, storing, containing or conducting any Gas Supply or Steam Supply Utility Service.

Telecommunications Infrastructure: Any structure, facility, antennae structure, antenna, subsurface or elevated pipes and lines, poles, service connections, relays, booster equipment, conduits, feeders, wires, fixtures, ducts, manholes, handholes, cables, equipment, power supplies and equipment, transmitters, broadcasting equipment, and any necessary devices now or hereafter used or intended to be used for transmitting, broadcasting or delivering any Telecommunications Service.