

1 [Urging the National Park Service to provide an explanation of Fort Funston Closures]

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3 **Resolution requesting the City Attorney contact the National Park Service reminding**
4 **the National Park Service of its obligation to submit its construction plans to the City**
5 **for review, seeking an explanation of how the past and proposed closures serve a**
6 **recreation or park purpose and inquiring how the National Park Service will provide**
7 **disability access in light of its removal of a paved path.**

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9 WHEREAS, In 1975, the City and County of San Francisco transferred Fort Funston
10 and other City-owned park lands to the federal government to be included in the Golden Gate
11 National Recreation Area (GGNRA), to be administered by the National Park Service (NPS);
12 and

13 WHEREAS, The statute creating the GGNRA (16 U.S.C. Section 460bb) specifically
14 states that the GGNRA was established to provide for the maintenance of needed
15 recreational open space necessary to the urban environment and planning and requires that
16 the Secretary of the Interior "utilize the resources in a manner which will provide for recreation
17 and educational opportunities consistent with sound principles of land use planning and
18 management;" and

19 WHEREAS, Former Charter section 7.403-1(a), as approved by the voters, required
20 that the deed transferring any City-owned park lands to the NPS include the restriction that
21 said lands were to be reserved by the Park Service "in perpetuity for recreation or park
22 purposes with a right of reversion upon breach of said restriction;" and

23 WHEREAS, The deed transferring these City-owned park lands to the NPS contains
24 the following restriction: "to hold only for so long as said real property is reserved and used
25 for recreation and park purposes; and

1 WHEREAS, A contemporaneous agreement (“Agreement”) concerning the rights and
2 duties of the parties requires the NPS, among other things, to submit its plans for construction
3 on the park lands or changes in the natural environment of these properties to the City's
4 Planning Department for review and comment in order to ensure that the Department of City
5 Planning will be informed and involved during all stages of the planning process and in
6 particular during the conceptual planning stage where potential conflicts can be resolved prior
7 to the development of specific plans; and

8 WHEREAS, The City Attorney has concluded that the City and County of San
9 Francisco has a right to bring legal action against the NPS in the event the NPS breaches the
10 deed restriction and agreement; and

11 WHEREAS, Since 1991, the NPS has closed heavily-used portions of Fort Funston for
12 the avowed purpose of habitat protection and native plant restoration, thereby precluding any
13 recreational use, without notifying the City and County of San Francisco; and

14 WHEREAS, The NPS now proposes permanent closure of an additional twelve acres
15 of prime recreation space at Fort Funston, without notifying the City and County of San
16 Francisco; now, therefore, be it

17 RESOLVED, That Board of Supervisors of the City and County of San Francisco
18 requests that the City Attorney write to the NPS reminding the NPS of its duty to submit to the
19 San Francisco Planning Department for review, comment, and approval plans for construction
20 at Fort Funston, including plans to install or maintain fencing at Fort Funston which precludes
21 recreational use by park visitors; and, be it

22 FURTHER RESOLVED, That the Board of Supervisors requests the City Attorney to
23 write to the NPS to ask them to provide access to people with disabilities and to explain their
24 plans for resurfacing the previously paved Sunset Trail; and, be it

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FURTHER RESOLVED, That the Board of Supervisors of the City and County of San Francisco hereby requests the City Attorney write a letter to the NPS requesting the NPS to explain how the closures that have been effected at Fort Funston since 1991, including the proposed twelve-acre closure, comply with the deed restriction requiring that Fort Funston be used only for recreation or park purposes.



City and County of San Francisco

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

Tails Resolution

File Number: 001928

Date Passed:

Resolution requesting the City Attorney to contact the National Park Service reminding the National Park Service of its obligation to submit its construction plans to the City for review, seeking an explanation of how the past and proposed closures serve a recreation or park purpose and inquiring how the National Park Service will provide disability access in light of its removal of a paved path.

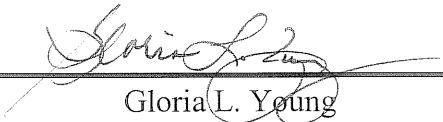
November 6, 2000 Board of Supervisors — ADOPTED

Ayes: 9 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom,
Teng

Absent: 2 - Yaki, Yee

File No. 001928

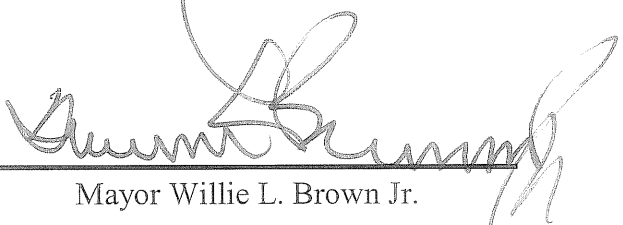
I hereby certify that the foregoing Resolution was ADOPTED on November 6, 2000 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

NOV 17 2000

Date Approved



Mayor Willie L. Brown Jr.