

File No. 130651

Committee Item No. 4

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee

Date: 09/18/2013

Board of Supervisors Meeting

Date: \_\_\_\_\_

#### Cmte Board

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

**OTHER** (Use back side if additional space is needed)

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Completed by: Victor Young Date: September 13, 2013

Completed by: Victor Young Date: \_\_\_\_\_

1 [Memorandum of Unrecorded Grant Agreement - Buena Vista Park Project]

2  
3 **Resolution authorizing the Director of Real Estate to record a Memorandum of**  
4 **Unrecorded Grant Agreement against Assessor's Block No. 2601, Lot No. 001, for the**  
5 **Buena Vista Park Project, pursuant to a Land and Water Conservation Fund Grant**  
6 **Agreement.**

7  
8 WHEREAS, The City and County of San Francisco ("City") owns certain real property  
9 located on the south side of Haight Street bounded on the east by Buena Vista East and on  
10 the west by Buena Vista West, in San Francisco, California, designated as Assessor's Block  
11 Number 2601, Lot No. 001, and commonly known as Buena Vista Park ("the Property"); and

12 WHEREAS, The City, through the San Francisco Recreation and Park Department  
13 (RPD), operates and maintains the Property; and

14 WHEREAS, In 2010, the California Department of Parks and Recreation ("CDPR")  
15 awarded RPD a Land and Water Conservation Fund ("LWCF") grant in the amount of  
16 \$115,025 ("Grant") to make improvements to the unpaved southeast slope trail and the  
17 existing semi-circular lawn area on the southeast side of the Property including a new  
18 retaining wall at the base of the hillside, a new paved, ADA-accessible path leading to three  
19 new benches at the back of the lawn, and turf restoration and native California plantings,  
20 known as "Buena Vista Park Project, Phase II"; and

21 WHEREAS, By Resolution No. 130-10, the Board of Supervisors authorized RPD to  
22 accept and expend the Grant funds for the Buena Vista Park Project, Phase II; and

1           WHEREAS, The terms and conditions of the Grant are detailed in an agreement on file  
2 at the Clerk of the Board of Supervisors in File No. 100231 ("Grant Agreement"), which is  
3 hereby declared to be part of this resolution as set forth fully herein; and

4           WHEREAS, Under the Grant Agreement and per Section 6(f)(3) of the Land and Water  
5 Conservation Fund Act, property developed under the LWCF program may not, without the  
6 approval of CDPR, the National Park Service and/or the Secretary of the Interior, be  
7 converted to other than public outdoor recreation use but shall be maintained in public outdoor  
8 recreation in perpetuity. Although the Grant will be used to improve only a portion of Buena  
9 Vista Park, the "anticonversion" restriction will apply to the entire park. Following acceptance  
10 of LWCF grant funds, approval of any conversion of part or all of the Property to other than  
11 public outdoor recreation use shall be at the sole discretion of the Secretary of the Interior and  
12 made only upon a finding that the conversion is in accord with the then existing  
13 comprehensive statewide outdoor recreation plan and only upon such conditions as he/she  
14 deems necessary to assure the substitution of other recreation properties of at least equal fair  
15 market value and of reasonable equivalent usefulness and location; and

16           WHEREAS, As a condition of receiving the Grant, the City is required to record a  
17 Memorandum of Unrecorded Grant Agreement against Buena Vista Park to provide notice  
18 that Buena Vista Park has been developed with LWCF assistance and cannot be converted to  
19 other than public outdoor recreation use without the written approval of CDPR, the National  
20 Park Service and/or the Secretary of the Interior; now, therefore, be it

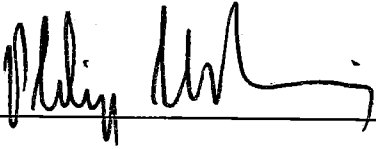
21           RESOLVED, That the Board of Supervisors authorizes the Director of Real Estate to  
22 record a Memorandum of Unrecorded Grant Agreement with the Assessor-Recorder against  
23 the property known as Buena Vista Park and designated as Assessor's Block Number 2601,  
24 Lot No. 001, providing that the use restrictions contained in the Grant Agreement will be  
25 covenants, conditions and restrictions on the use of the Property in perpetuity, including that

1 the property cannot be converted to other than public outdoor recreation use without the  
2 written approval of the California Department of Parks and Recreation, the National Park  
3 Service and/or the Secretary of the Interior; and be it

4       FURTHER RESOLVED, That the Board of Supervisors authorizes the General  
5 Manager of the Recreation and Park Department, or his or her designee, to conduct all  
6 negotiations, execute and submit all documents, including, but not limited to applications,  
7 agreements, amendments, payment requests and so on, which may be necessary to accept  
8 and expend the grant funds for the completion of the project.

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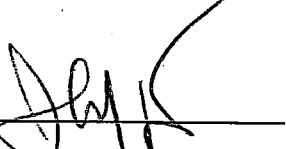
Recommended:



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Philip A. Ginsburg, General Manager, Recreation and Park Department

Recommended:



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John Updike, Director of Real Estate

Recording requested by, and  
When recorded, return to:

State of California  
Department of Parks and Recreation  
Grants and Local Services Division  
P.O. Box 942896  
Sacramento, CA 94296-0001

County: San Francisco  
(BASED ON PROJECT LOCATION)

APN: 2601 001  
(PROJECT'S ASSESSOR PARCEL NUMBER)

Space above this line for Recorder's use

### Memorandum of Unrecorded Grant Agreement

This Memorandum of Unrecorded Grant Agreement (Memorandum), dated as of 6/26/13  
(DATE SIGNED BY GRANTEE), is recorded to provide notice of an agreement between the State of  
California, acting by and through the Department of Parks and Recreation (DPR), and the San  
Francisco Recreation and Park Department ("Grantee").

#### RECITALS

- A. On or about September 14, 2009, DPR and Grantee entered into a certain Grant Agreement No. C8950003, pursuant to which DPR granted to Grantee certain funds for 06-01687, for improvement of certain real property more particularly described in attached "Exhibit A" and incorporated by reference (the "Real Property").
- B. Under the terms of the Grant Agreement, Grantee granted DPR certain rights with respect to the Real Property acquired or improved with the grant funds.
- C. Grantee desires to execute this Memorandum to provide constructive notice to all third parties of certain DPR rights under the Grant Agreement.

#### NOTICE

1. The Real Property (including any portion of it or any interest in it) may not be converted to other than public outdoor recreation use without the written approval of the State of California, acting by and through the Department of Parks and Recreation (DPR), or its successor.

For additional terms and conditions of the Grant, reference should be made to the Grant Agreement which is on file with the DPR located at: Office of Grants and Local Services, 1416 Ninth Street, Room 918, Sacramento, CA 95814

State of California  
Department of Parks and Recreation

GRANTEE: City and County of San Francisco  
Recreation and Park Department

By: Richard Rendón 6/27/13  
Signature Date

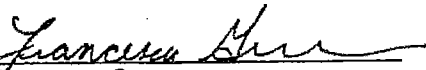
Authorized By: John Updike 6/26/13  
Signature Date

Richard Rendón, Supervisor  
Printed Name and Title

John Updike, Director of Real Estate  
Print Name and Title

APPROVED AS TO FORM:

DENNIS J. HERRERA, City Attorney

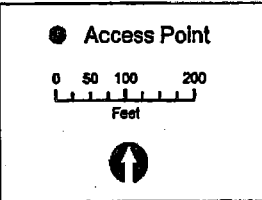
By   
Francesca Gessner  
Deputy City Attorney

# Buena Vista Park Project, Phase II



38  
Project Acreage

08/20/2013  
Date of Map Preparation



Section 6(f)(3)  
Boundary Map

*[Signature]*  
Signature of Individual Authorized in Resolution

6/21/13  
Date



State of California

County of San Francisco

On June 26, 2013 before me, Kathleen V. Bianchi, a Notary Public,  
personally appeared John Updike, who proved to me on the  
basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within  
instrument and acknowledged to me that he/she/they executed the same in his/her/their  
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s),  
or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Kathleen V. Bianchi (Seal)



**ACKNOWLEDGMENT**

State of: California

County of: Sacramento

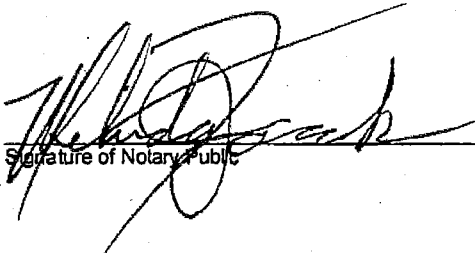
On June 27, 2013, before me, Melinda F. Jacobs, Notary Public  
(name and title of the officer)

personally appeared Richard Rendón

who proved to me on the basis of satisfactory evidence to be the person (s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

  
\_\_\_\_\_  
Signature of Notary Public

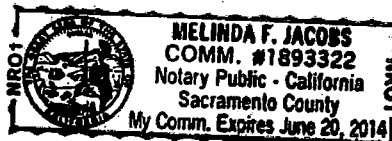
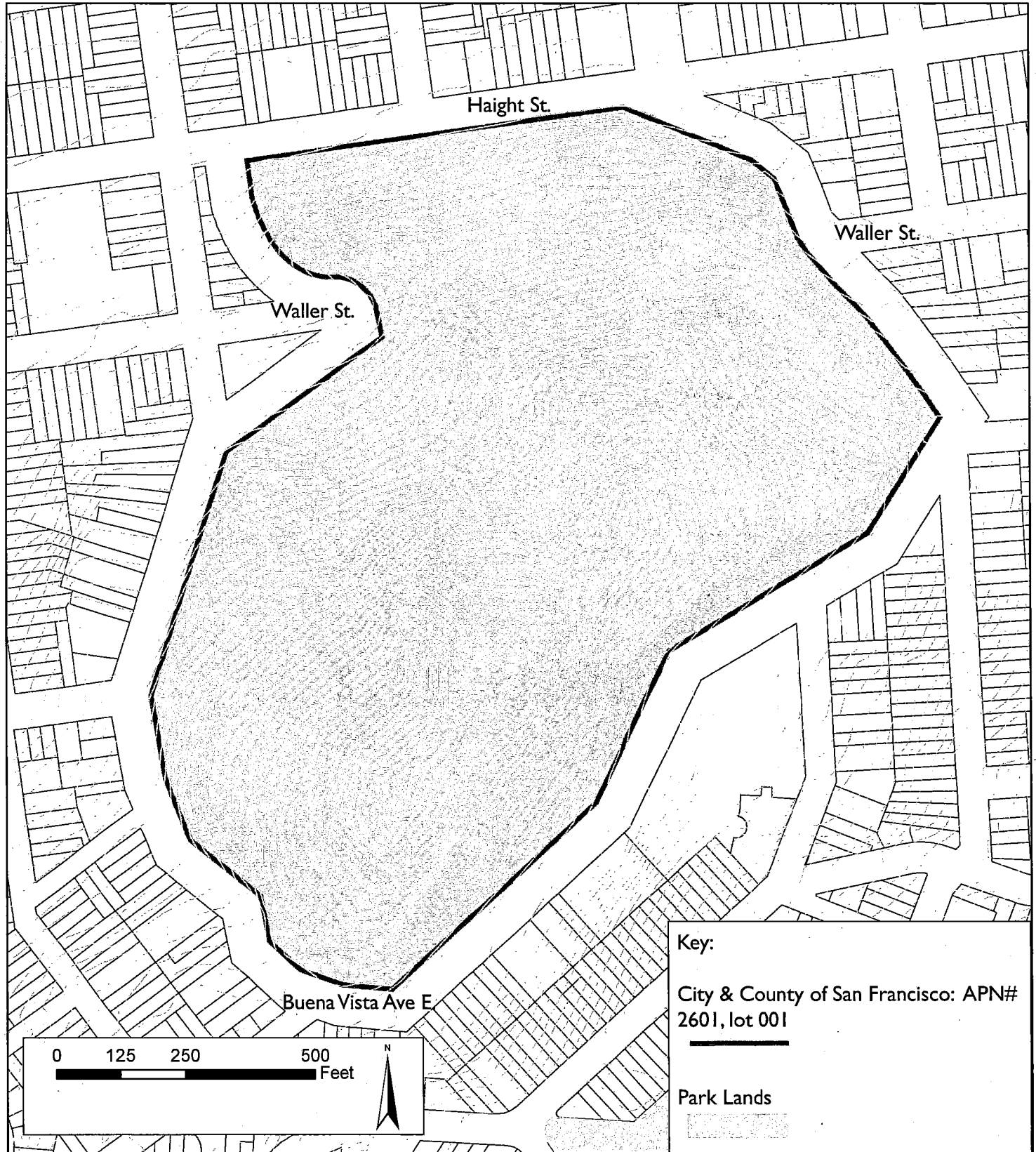


Exhibit A Legal Depiction of Property  
Project No. 06-01687 Buena Vista Park, Phase II



Authorized Representative: \_\_\_\_\_ Date: \_\_\_\_\_  
Recommended: \_\_\_\_\_ Date: \_\_\_\_\_





RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

13 JUN 17 PM 4:47

Edwin M. Lee, Mayor  
Philip A. Ginsburg, General Manager

TO: Angela Calvillo, Clerk of the Board of Supervisors  
FROM: Philip A. Ginsburg, General Manager  
DATE: June 5, 2013  
SUBJECT: Resolution to Record Memorandum of Unrecorded Grant Agreement on Park Property known as Buena Vista Park

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Attached please find the original and 4 copies of each of the following:

- Proposed resolution; original signed by Department Head, Director of Real Estate
- Memorandum of Unrecorded Grant Agreement (MOUGA) Document

Special Timeline Requirements: MOUGA needs to be filed prior to grant reimbursement processing. Project grant reimbursement request scheduled for June 2013.

Departmental representative to receive a copy of the adopted resolution:

Name: Toni Moran Phone: (415) 581-2555

Interoffice Mail Address: 30 Van Ness Avenue, Fifth Floor

Certified copy required Yes  No

(Note: certified copies have the seal of the City/County affixed and are occasionally required by funding agencies. In most cases ordinary copies without the seal are sufficient).