

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

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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.**

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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

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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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1 Recommended:

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

5 Recommended:

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8 John Updike, Director of Real Estate

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