FILE NO. 111215 RESOLUTION NO. 492-11

[Lease Agreement - State of California - Rincon Hill Dog Park]

Resolution approving the execution of a Lease Agreement for a portion of Assessor Block No. 3766, Lot No. 011, by and between the City and County of San Francisco, and the State of California, acting by and through its Department of Transportation (Caltrans); and adopting environmental findings and other findings that the actions set forth in this Resolution are consistent with the City's General Plan and Eight Priority Policies; and authorizing other actions in furtherance of this Resolution.

WHEREAS, Neighborhood residents within Rincon Point-South Beach have long expressed a desire for additional park and open space amenities within their neighborhood, voicing those concerns through an established Citizens Advisory Committee; and

WHEREAS, Caltrans has identified a suitable Caltrans-owned property at the northwest corner of Beale Street and Bryant Street, Lot 011, Block 3766 (the "Property"), capable of accommodating public open space, appropriate hardscape and softscape improvements, a historical plaque and an off-leash dog area; and

WHEREAS, Caltrans has agreed to lease the Property to the City, and City has agreed to lease the Property from Caltrans, upon the terms and conditions generally contained in the form of lease on file with the Clerk of Board of Supervisors in File No. 111215 and incorporated herein by reference (the "Lease"); and

WHEREAS, Caltrans has agreed to improve the Property as a park, designed in concert with the neighborhood represented by the Citizens Advisory Committee, with the park improvements funded and delivered by Caltrans; and

WHEREAS, City has agreed to accept the maintenance responsibilities of the park once constructed and the Rincon Point-South Beach neighborhood has agreed to coordinate

their efforts through a Gateway Program Business Sponsorship, to yield reimbursement to the City for City's costs of leasing the Property and maintaining the Property; and

WHEREAS, The lease has an initial term of ten years commencing upon completion of the park construction by Caltrans, at a lease rate of $5,000.00 for the entire initial ten year term; and

WHEREAS, The Lease has two five-year options for renewal after the initial ten year term, at a rate to be negotiated between the parties; and

WHEREAS,, In a letter to the Department of Real Estate dated June 13, 2011, the City's Planning Department found that the Lease is consistent with the City's General Plan pursuant to Section 4.105 of the Charter and Section 2A.53 of the Administrative Code. A copy of such letter is on file with the Clerk of the Board of Supervisors in File No. 111215 and is incorporated herein by reference. The Board of Supervisors finds that the actions contemplated in this Resolution are consistent with the City's General Plan and with the Charter Section 4.105 and Administrative Code Section 2A.53 for the reason set forth in said letter; now, therefore, be it

RESOLVED, That in accordance with the recommendation of the Director of Property, the Director of Property is hereby authorized to take all actions on behalf of the City and County of San Francisco necessary to effect the Lease; and, be it

FURTHER RESOLVED, That the Lease shall include a clause indemnifying, holding harmless, and defending Caltrans and its agents from and against any and all claims, costs and expenses incurred as a result of any default by the City in performance of any of its material obligations under the Lease, or any negligent acts or omissions of the City or its agents, in, on, or about the Property, excluding those claims, costs and expenses incurred as a result of the negligence or willful misconduct of Caltrans or its agents; and be it

FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of Property to enter into any amendments or modifications to the Lease (including, without limitation, the exhibits) that the Director of Property in consultation with the City Attorney, determines are in the best interest of the City, do not materially increase the obligations of the City or materially decrease the benefits of the City, are necessary or advisable to consummate the performance of the purposes and intent of this Resolution, and comply with all applicable laws, including the City's Charter, including any modifications or amendments to the Lease; and be it

FURTHER RESOLVED, That the Lease shall be subject to certification as to funds by the Controller, pursuant to Section 6.302 of the City Charter.

$5,000.00 Available

BUF Index Code: PWF361GGFACP

Project Code: FPWOFA BU10

CONTROLLER

RECOMMENDED:

ACTING DIRECTOR OF PROPERTY

City and County of San Francisco
Tails
Resolution

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

File Number: 111215 **Date Passed:** November 22, 2011

Resolution approving the execution of a Lease Agreement for a portion of Assessor Block No. 3766, Lot No. 011, by and between the City and County of San Francisco, and the State of California, acting by and through its Department of Transportation (Caltrans); and adopting environmental findings and other findings that the actions set forth in this Resolution are consistent with the City's General Plan and Eight Priority Policies; and authorizing other actions in furtherance of this Resolution.

November 21, 2011 Land Use and Economic Development Committee - RECOMMENDED AS COMMITTEE REPORT

November 22, 2011 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

File No. 111215

I hereby certify that the foregoing Resolution was ADOPTED on 11/22/2011 by the Board of Supervisors of the City and County of San Francisco.

for

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

12/1/11

Date Approved