

1 [Accept and Expend Grant - California Department of Parks and Recreation - Twin Peaks Trail  
2 System Improvements - \$121,131]

3 **Resolution retroactively authorizing the Recreation and Park Department to accept and**  
4 **expend a Habitat Conservation Fund Grant from the California Department of Parks and**  
5 **Recreation in the amount of \$121,131 for the Twin Peaks Trail System Improvements;**  
6 **authorizing the Director of Real Estate to file a Declaration of Restriction with the**  
7 **Assessor-Recorder against the property designated as Assessor’s Parcel Block No.**  
8 **2643, Lot No. 021, providing that the use restrictions contained in the Grant Agreement**  
9 **will be covenants, conditions, and restrictions on the use of the property until June 30,**  
10 **2036; and authorizing the Director of Real Estate to take actions necessary to annul the**  
11 **deed restriction recorded against the property designated as Assessor’s Parcel Block**  
12 **No. 2643, Lot No. 003.**

13  
14 WHEREAS, The City and County of San Francisco (“the City”) owns the property  
15 located on San Francisco Assessor’s Parcel Block No. 2643, Lot No. 021 (“the Property”),  
16 known as “Twin Peaks Open Space”; and

17 WHEREAS, The City, through the San Francisco Recreation and Park Department  
18 (“RPD”) operates and maintains the Property; and

19 WHEREAS, In 2008 San Francisco voters passed the Clean and Safe Neighborhood  
20 Parks Bond (“the Bond”), which allocated \$5,000,000 to the San Francisco Urban Trails  
21 Program to improve access and connectivity, promote conservation of natural resources and  
22 sensitive habitat, and to improve public safety; and

23 WHEREAS, The Bond identified twenty-six park sites, including Twin Peaks, as  
24 needing trail and habitat restoration; and

1           WHEREAS, The California Department of Parks and Recreation (DPR) administers the  
2           Habitat Conservation Fund Grant (HCF) Program which provides state funds to local entities  
3           to acquire, enhance, restore, or develop facilities for public recreation purposes; and

4           WHEREAS, In 2011, DPR awarded RPD a grant of \$131,041 in HCF funding for Twin  
5           Peaks Trail System Improvements on Assessor’s Parcel Block No. 2643, Lot No. 021 (the  
6           “Grant”), subject to a grant agreement (no. C9767012) that had a contract performance period  
7           from July 1, 2011, until June 30, 2031; and

8           WHEREAS, In 2012, the Board of Supervisors adopted Resolution No. 366-12, which  
9           among other things authorized RPD to accept and expend the Grant subject to the terms of  
10          the grant agreement and authorized the Director of Real Estate to record deed restrictions  
11          against Assessor's Parcel Block No. 2643, Lot No. 003, describing the use restrictions on the  
12          property, which deed restrictions were subsequently recorded; and

13          WHEREAS, RPD has since modified the scope of work to eliminate all improvements  
14          planned for Assessor's Parcel Block No. 2643, Lot No. 003, to instead perform improvements  
15          to Assessor's Parcel Block No. 2643, Lot No. 021, (“the Property”), and wishes to expend the  
16          \$121,131 that remains from the Grant on the Property, subject to the terms and conditions of  
17          a new grant agreement with DPR (no. C9776016, hereafter, the “Grant Agreement”); and

18          WHEREAS, The new terms and conditions of the Grant are detailed in the new Grant  
19          Agreement which is on file with the Clerk of the Board of Supervisors in File No. 170956 and  
20          is hereby declared to be part of this resolution as set forth fully herein; and

21          WHEREAS, The new Grant Agreement requires the City to operate and maintain the  
22          project site for the duration of the new Contract Performance Period, which extends from  
23          July 1, 2016, through June 30, 2036; and

24          WHEREAS, The new Grant Agreement requires the City to record a Declaration of  
25          Restriction against the Property to provide notice that the Property must be used for a

1 purpose consistent with the terms of the Grant Agreement for the duration of the Contract  
2 Performance Period; and

3 WHEREAS, The Grant terms prohibit including indirect costs in the grant budget; and

4 WHEREAS, The Grant will not require an amendment to the Annual Salary Ordinance;  
5 now, therefore, be it

6 RESOLVED, That the Board of Supervisors authorizes the Recreation and Park  
7 Department General Manager to retroactively accept and expend a Habitat Conservation  
8 Fund grant in the amount of \$121,131 for the Twin Peaks Trail System Improvements Project;  
9 and, be it

10 FURTHER RESOLVED, That the Board of Supervisors hereby waives inclusion of  
11 indirect costs as part of this Grant budget; and, be it

12 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of Real  
13 Estate to record a Declaration of Restriction against the property designated as Assessor's  
14 Parcel Block No. 2643, Lot No. 021, providing that the use restrictions contained in the new  
15 Grant Agreement will be covenants, conditions and restrictions on the use of the Property for  
16 the duration of the Contract Performance Period, which extends from July 1, 2016, through  
17 June 30, 2036; and, be it

18 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of Real  
19 Estate to take actions necessary to annul the deed restriction recorded against the property  
20 designated as Assessor's Parcel Block No. 2643, Lot No. 003, in furtherance of the original  
21 grant agreement; and, be it

22 FURTHER RESOLVED, That the Board of Supervisors authorizes the General  
23 Manager, or his or her designee, to conduct all negotiations, and execute and submit all  
24 documents, including but not limited to applications, agreements, amendments, payment  
25 requests and so on, that may be necessary for the completion of the project.

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Recommended:

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General Manager

Approved: \_\_\_\_\_

Mayor

Approved: \_\_\_\_\_

Controller