

1 [Declaration of Restrictions - Creeks to Peaks Trail Project - Twin Peaks Open Space]

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3 **Resolution authorizing the Director of Real Estate to file a Declaration of Restrictions**
4 **with the Assessor-Recorder against the property designated as Assessor’s Parcel**
5 **Block No. 2643, Lot Nos. 017 and 023, known as Twin Peaks Open Space, in support of**
6 **a Habitat Conservation Fund Grant from the California Department of Parks and**
7 **Recreation, and providing that the use restrictions contained in the Habitat**
8 **Conservation Fund Grant Agreement will be covenants, conditions, and restrictions on**
9 **the use of the properties until June 30, 2033.**

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11 WHEREAS, The City and County of San Francisco (“the City”) owns the property
12 located on Assessor’s Parcel Block No. 2643, Lot Nos. 017 and 023 (“the Property”), known
13 as Twin Peaks Open Space; and

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

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

19 WHEREAS, In 2011, the City adopted Resolution No. 152-14 that authorized RPD to
20 accept and expend a \$130,679 HCF grant for the Creeks to Peaks Trail Project, subject to
21 grant agreement number C9771016 (hereafter, the “Grant Agreement”) which is on file with
22 the Clerk of the Board of Supervisors in File No. 131156; and

23 WHEREAS, Resolution No. 152-14 also authorized the Director of Real Estate to
24 record a declaration of restrictions against Assessor's Parcel Block No. 2643, Lot No. 003,
25 and Assessor Parcel Block 7560, Lot No. 002, consistent with the Grant Agreement, which

1 requires the City to record a declaration of restrictions against all parcels improved with grant
2 funds to provide notice that the parcels must be used for a purpose consistent with the terms
3 of the Grant Agreement for the duration of the Contract Performance Period, which extends
4 from July 1, 2013 to June 30, 2033; and

5 WHEREAS, In 2017, RPD and DPR amended the Grant Agreement to include
6 improvements to Assessor's Parcel Block No. 2643, Lot Nos. 017 and 023, subject to the
7 same terms and conditions including that the City must record a Declaration of Restrictions
8 against the additional parcels to provide notice that those parcels must be used for a purpose
9 allowed under the Grant Agreement for the duration of the Contract Performance Period; and

10 WHEREAS, the amended Grant Agreement with DPR is on file with the Clerk of the
11 Board of Supervisors in File No. _____; now, therefore, be it

12 RESOLVED, That the Board of Supervisors authorizes the Director of Real Estate to
13 record a Declaration of Restrictions against the property designated as Assessor's Parcel
14 Block No. 2643, Lot Nos. 017 and 023, providing that the use restrictions contained in the
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, 2013 through
17 June 30, 2033.

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19 Recommended:

Approved: _____

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Acting Mayor

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22 _____

23 General Manager

Approved: _____

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Controller

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