

APPROVED
NOV 19 2007

REPORT OF GENERAL MANAGER

NO. 07-283

DATE November 19, 2007

**BOARD OF RECREATION
and PARK COMMISSIONERS**

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BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: FRANCIS AVENUE COMMUNITY GARDEN – PROPOSED ACQUISITION OF AN APPROXIMATELY 0.15 ACRE PARCEL AND GROUND LEASE WITH THE LOS ANGELES NEIGHBORHOOD LAND TRUST FOR ITS MAINTENANCE AND OPERATION

R. Adams	_____	J. Kolb	_____
H. Fujita	_____	F. Mok	_____
S. Huntley	_____	K. Regan	_____
V. Israel	_____	*M. Skull	_____

McFallis

[Signature]
General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board:

1. Adopt the resolution attached hereto approving the acquisition of the property located at 2909 Francis Avenue, Los Angeles, CA 90005, consisting of approximately 0.15 acre (APN 5077-023-011), to be vested with the Department of Recreation and Parks (Department) and to be set aside and dedicated as park land in perpetuity at no cost to the Department from Los Angeles Neighborhood Land Trust (LANLT);
2. Direct staff to assist the Department of General Services, the Office of the City Attorney and other City entities with the acquisition of the 0.15 acre property;
3. Upon successful close of escrow, direct the Board Secretary to accept the Grant Deed to the parcel, which is to be set apart and dedicated as park property in perpetuity;
4. Approve a 99-year lease of the property to the LANLT for its maintenance and operation, substantially in the form on file in the Board Office, subject to approval of the Mayor, the City Council by ordinance, and the City Attorney as to form;
5. Direct the Board Secretary to transmit the proposed Lease Agreement to the Mayor in accordance with Executive Directive No. 3, and concurrently to the City Attorney for review and approval as to form;

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6. Authorize the Board President and Secretary to execute the Lease Agreement, upon receipt of necessary approvals and direct the Secretary to request that the Department of General Services record a Memorandum of Lease.

SUMMARY:

The Los Angeles Neighborhood Land Trust (LANLT) is non-profit organization formed for the purpose of establishing, developing, maintaining and operating community parks, gardens, and parks programs in under-served areas of the City of Los Angeles. LANLT recently applied for a competitive Proposition K grant for the acquisition and development of park land. LANLT received an award in the amount of \$450,000 to be used towards the acquisition of the property located at 2909 Francis Avenue, Los Angeles, CA 90005 consisting of approximately 4,396 square feet or 0.15 acre and further identified as APN 5077-023-011. It is intended that the property will be developed and dedicated for park purposes in perpetuity.

Although LANLT was awarded the grant, the guideline of the Proposition K program disallows the acquisition and ownership of land by non-profit organizations. Ownership of property acquired with Proposition K grant funds must be held by the City. As a result, several actions must be taken simultaneously. LANLT will purchase the property from the current owners, transfer title of the property to the Department through escrow at no cost to the Department, and the Department will in turn enter into a lease agreement with LANLT for the maintenance and operation of the proposed Francis Avenue Community Garden. The Department of General Services will oversee the transfer of title from LANLT to the Department.

Department staff has engaged in negotiations with LANLT, with the assistance of the Office of the City Attorney, to establish the proposed terms for the Lease Agreement. Staff recommends that the Board authorize, and recommends City Council to authorize the agreement by ordinance as required by Charter Section 594.

The Term of the agreement will be for a period of ninety-nine years, beginning on the date of execution of the agreement, or the date title to the property is transferred to the City, whichever is later.

Francis Avenue Community Garden will provide members of the community a central location to plant gardens and other vegetation in plots throughout the property. LANLT also proposes to provide the community with workshops and classes in various activities related to gardening to promote involvement within the community.

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LANLT is to maintain the proposed Francis Avenue Community Garden at their own expense with no costs incurred by the City. The Lease contains maintenance standards to be adhered to by LANLT.

The Acting Assistant General Manager for Operations East, the Superintendent for the Metro Region, and Councilmember Reyes of the First District, all concur with staff's recommendations.

FISCAL IMPACT STATEMENT:

The property will be donated to the Department and also maintained by LANLT and therefore will have no anticipated impact to the City's General Funds.

Prepared by Rick Tonthat, Management Analyst II, Planning and Development.