

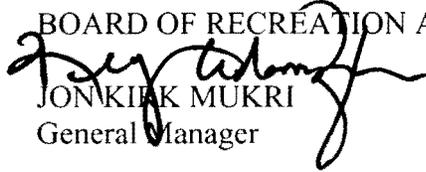
FOR INFORMATION ONLY

CITY OF LOS ANGELES
DEPARTMENT OF RECREATION AND PARKS

February 6, 2013

TO: BOARD OF RECREATION AND PARK COMMISSIONERS

FROM: JONKIRK MUKRI
General Manager



SUBJECT: 1171-1177 MADISON AVENUE -- EAST HOLLYWOOD PUBLIC GARDEN
AND ACHIEVEMENT CENTER -- LEASE AND PARTNERSHIP
AGREEMENTS WITH LOS ANGELES COMMUNITY GARDEN COUNCIL
FOR DEVELOPMENT, OPERATION AND MAINTENANCE -
CLARIFICATIONS

On May 16, 2012, the Board of Recreation and Park Commissioners' (Board) approved Board Report No. 12-158, authorizing the Department of Recreation and Parks (Department) to enter into a Lease Agreement and a Partnership Agreement with the Los Angeles Community Garden Council (LACGC) to be developed on 5.56 acres of Department property located at 1171-1177 Madison Avenue, Los Angeles, California 90029. The development project was to consist of a community garden and a public park. Funding for the project was provided from \$984,542 in Parks First Trust Fund (PFTF) monies. Subsequent to the Board's action of May 16, 2012, the Department was informed that the Trust for Public Land (TPL) had received \$2,182,267 in Proposition 84 grant funds for the development of the public park component of the project. Development of the site required some clarifications as the award of the PFTF and Proposition 84 funds created a situation where two entities, LACGC and TPL, would occupy and/or develop the same site for complementing purposes. After discussion with the appropriate City, State, LACGC and TPL representatives, it was decided that TPL would be responsible for the development of the public park portion of the site which would be located on the half of the property fronting Madison Avenue. LACGC would be responsible for the development, operation and maintenance of the community garden portion which would be located on the back half of the site. These changes required a change in the terms and conditions of the lease agreement and partnership agreement originally approved.

Revised Lease Agreement

On October 3, 2012, the Board through Board Report No. 12-285 approved a revised 20-year Lease Agreement and a 20-year Partnership Agreement with LACGC. The revised version of the two agreements clarified that LACGC was only developing, operating and maintaining the community garden to be located at the rear portion of the site. The City Attorney had not

reviewed the revised Lease Agreement and Partnership Agreement at the time of the Board's action. The City Attorney has recently completed its review and recommended that although the comments and changes to the drafts are not substantive, and do not require a full reconsideration of the Board's action of October 3, 2012, an informational report is recommended to provide full disclosure. The changes recommended by the City Attorney are intended to bring the two agreements in line with the intent of the Board's action of October 3, 2012.

The following is a listing of noteworthy changes recommended by the City Attorney:

- Article 1.2.2 was clarified to include information that the City and LACGC had, in addition to the Parks First Grant Agreement, also executed a Supplemental Agreement No. 1 and No. 2 which granted LACGC more time to execute a Lease Agreement with the Department for the portion of the park site that they will be developing and operating.
- Article 1.2.5 was added to clarify that TPL, on behalf of the City, would develop the front half of the park site into a new public park.
- Article 3.1 was clarified to state that the consideration being provided by LACGC to the Department was to be in compliance with Section 106 of Parks First Grant Agreement.
- Article 4.1 was clarified to clearly identify the park property where the new public park and community garden were to be constructed and more specifically delineated the "Premises Area" where LACGC would construct the community garden.
- Article 6.1.1 was clarified to state that all community garden improvements to be built by LACGC would be in accordance with Sections 203B and 106 of the Parks First Grant Agreement.
- Article 6.2 was added to clarify that LACGC would have access through the Department owned new park portion of the park for the development and operation of the community garden
- Article 10.1 was revised to state that payment for all utilities related to the community garden would be the responsibility of LACGC.

It should be noted that the Lease Agreement with LACGC, in accordance with the Parks First Grant Agreement and its two Supplemental Agreements must be executed by February 28, 2013.

This report prepared by Cid Macaraeg, Sr. Management Analyst II, Real Estate and Asset Management, Planning, Construction and Maintenance Branch.