

**APPROVED**  
**MAR 20 2013**

REPORT OF GENERAL MANAGER

**BOARD OF RECREATION  
& PARK COMMISSIONERS**

NO. 13-044

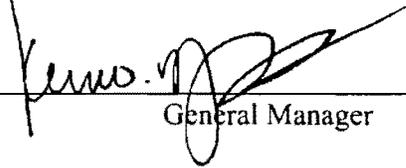
DATE February 20, 2013

C.D. 9

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: AUGUSTUS F. HAWKINS NATURE PARK PRESERVE – APPROVAL OF A TWENTY YEAR LEASE AGREEMENT WITH THE DEPARTMENT OF WATER AND POWER FOR THE CONTINUED USE OF APPROXIMATELY EIGHT (8) ACRES OF DEVELOPED OPEN WETLANDS AND PASSIVE RECREATIONAL SPACE

R. Adams	_____	K. Regan	_____
H. Fujita	_____	*M. Shull	<u>ms</u>
V. Israel	_____	N. Williams	_____

  
\_\_\_\_\_  
General Manager

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

RECOMMENDATIONS:

That the Board:

1. Approve a proposed twenty (20) year lease agreement (Lease), substantially in the form on file in Board of Recreation and Park Commissioners' (Board) Office, between the Department of Recreation and Parks (RAP) and the Department of Water and Power (DWP) for the continued use by RAP of approximately eight (8) acres of DWP property for park purposes, subject to the approval of the Mayor and of the City Attorney as to form;
2. Direct the Department's Chief Accounting Employee to identify the appropriate fund and account from which to make payment to the DWP as Fund No. 302, Department No. 88, Account No. 006030, as consideration for use of the subject property and to issue the initial payment of Five Dollars (\$5.00) as required by the Lease for the first five (5) year term of the Lease;
3. Direct the Board Secretary to concurrently transmit the approved Lease to the Mayor in accordance with the Executive Directive No. 3, and to the City Attorney for review and approval as to form; and,

## REPORT OF GENERAL MANAGER

PG. 2

NO. 13-044

4. Authorize the Board President and Secretary to execute the Lease upon receipt of necessary approvals.

### SUMMARY:

On September 13, 1996, RAP General Manager, Jackie Tatum, signed a License Agreement with the DWP executing a five (5) year License for the use of approximately eight (8) acres of DWP land located at 5790 Compton Avenue, Los Angeles, California 90011 for municipal park purposes. The term of the License Agreement was for an initial term of five (5) years with the monetary consideration of One Dollar (\$1.00) annually. The site was known at that time as the Slauson Pipe Yard.

On November 5, 1997, the Board approved Board Report No. 478-97 and thereby entered into a Development Agreement (Agreement) for the construction of a park facility at the north east corner of Slauson Avenue and Compton Avenue, between Santa Monica Mountains Conservancy (SMMC), Mountains Recreation and Conservation Authority (MRCA) and RAP. The facility was then developed as accessible to persons with disabilities and is compliant with the Americans with Disabilities Act (ADA). The features of the facility include the Evan Frankel Discovery Center, an amphitheater, a permeable parking lot, restrooms, drinking water fountains, picnic tables, walking paths, gardening boxes, wetland habitat and native drought tolerant vegetation. When developed into a municipal park, the site became referred to as the Augustus F. Hawkins Nature Park Preserve.

The Augustus F. Hawkins Nature Park Preserve was completed on April 7, 2000 and the SMMC received a Certificate of Occupancy.

In July of 2001, DWP provided RAP an extension to the License until August 1, 2002 with an automatic renewal option for an additional one (1) year term to August 1, 2003 and thereafter each year on the same anniversary date. The extension of the Lease states "the term shall renew for an additional one year term automatically on August 1, 2002 and shall renew thereafter automatically each year on the same anniversary date."

On January 9, 2002, by approval of Board Report No. 02-06, the Board accepted the work performed under the Agreement between SMMC, MRCA and RAP for the Slauson/Compton Park – Park Development (#1189B) Project; authorized RAP Director of Finance to release all remaining monies after acceptance by SMMC and MRCA under the Agreement; and, authorized the Board Secretary to furnish the SMMC and MRCA with a letter of completion.

On December 3, 2004, Jon Kirk Mukri, General Manager, RAP, sent a letter to SMMC stating that Councilmember Jan Perry, Council District Nine (CD 9), had received their correspondence

## REPORT OF GENERAL MANAGER

PG. 3

NO. 13-044

accepting the proposal that RAP made to SMMC subject to Section 3.2 of the Agreement whereby RAP assumed future maintenance of Augustus F. Hawkins Nature Park. This action terminated the Agreement between RAP, the SMMC and the MRCA that was executed on November 14, 1997. Previously, on January 14, 1997, the City of Los Angeles had authorized the SMMC and MRCA to expend the \$2 million which had been funded for the development and construction of the Park from the Safe Neighborhood Park Act of 1996 (Proposition A). Following this notification of SMMC and MRCA by RAP, RAP staff contacted SMMC staff concerning this change in maintenance responsibility and continued to work toward facilitating the transition. As part of the plan RAP requested that SMMC authorize the County of Los Angeles (County) and the City, in writing, to transfer any maintenance funds from Proposition A, or Proposition K, to RAP to be allocated by RAP. RAP finance staff contacted the SMMC to discuss the transfer details. Finally, the correspondence served as the City's written notice of termination under Section 3.2 of the Agreement and recognized that the SMMC waived the 90-day period before which the City's notice of termination would have become effective. RAP assumed all future maintenance responsibilities of the facility at that time.

The DWP has presented RAP with a Lease Agreement for the Augustus F. Hawkins Nature Park property that shall commence upon the effective date and terminate twenty (20) years thereafter. Upon commencement of this Lessee (RAP) agrees to pay Lessor (DWP) sum of one dollar (\$1.00) per year for the first five-year period of the lease agreement which sum is payable in a lump sum of five dollars (\$5.00) within 60 days of execution of this Lease. Pursuant to Charter Section 607, the Board of Water and Power Commissioners shall set the rent for each five year period thereafter. It should be noted that the lease agreement does not contain a cap on the yearly rental amendment. However, our experience on this lease and other similar leases and licenses from DWP leads us to believe that this rental amount shall remain the same.

The Office of Council District Nine and the RAP Assistant General Manager of Operations concur with staff's recommendations.

The issuance of the lease for the existing facility will involve negligible or no expansion of use, and therefore, is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Article III, Section 1(a), Class 1(14) of the City CEQA Guidelines.

### FISCAL IMPACT STATEMENT:

Execution of the Lease has an impact of \$5.00 plus future payments of \$1.00 per year. Historically, lease payments have been the same at \$1.00 per year. We do not anticipate the Board of Water and Power Commissioners to increase the lease payments in the future. The budgeted cost for the operation of the Augustus F. Hawkins Nature Park Preserve in Fiscal Year

REPORT OF GENERAL MANAGER

PG. 4

NO. 13=044

2012-2013 is \$234,344. Future operational and maintenance costs will continue to be submitted in the appropriate amount based on cost of living adjustments in future budget requests.

This report was prepared by Gregory Clark, Management Analyst II in Real Estate and Asset Management, Planning, Construction and Maintenance Branch.