

RESOLUTION NO. 199-2002

Adopted November 19, 2002

AUTHORIZING A MAINTENANCE AND MANAGEMENT AGREEMENT WITH THE PORT OF SAN FRANCISCO FOR THREE YEARS, IN AN AMOUNT NOT TO EXCEED \$390,000 FOR THE FIRST YEAR AND SUBJECT TO APPROPRIATION OF FUNDS FOR THE SECOND AND THIRD YEARS, FOR THE PROVISION OF MAINTENANCE AND MANAGEMENT SERVICES FOR RINCON PARK; RINCON PARK-SOUTH BEACH REDEVELOPMENT PROJECT AREA

BASIS FOR RESOLUTION

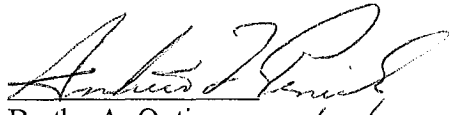
1. On January 10, 1995, by Resolution No. 9-95, the Agency Commission authorized a Disposition and Development Agreement ("DDA") between the Agency and The Gap, Inc. for the construction of a headquarters office building on Site C-1 and the development of a public park on Site C-2 ("Park Site") in the Rincon Point South Beach Redevelopment Project Area. The Gap, Inc. assigned all of its rights, title and interest in the DDA to GPS Management Services, Inc., a California corporation ("GPS") pursuant to that certain Assignment and Assumption of DDA dated September 1, 1998.
2. Under the terms of the DDA, the Agency was required to use reasonable efforts to enter into an agreement to lease the Park Site from the Port of San Francisco ("Port"). The Agency and the Port subsequently entered into an Agreement to Lease dated June 13, 1995 for the Park Site. Agency Commission by Resolution No. 125-95 and the Board of Supervisors by Ordinance No. 265-95 approved the Agreement to Lease.
3. GPS has constructed Rincon Park on the Park Site pursuant to the DDA. Rincon Park is scheduled to open to the public in December 2002. The DDA requires GPS to provide \$100,000 per year for ten years to provide for security services for the Park. Rincon Park will display sculptured artwork entitled "Cupid's Span" (the "Sculpture"). Pursuant to the Sculpture Maintenance and Repair Agreement dated September 7, 2001 executed between the Agency and GPS, the Sculpture is to be maintained by the Agency, however, GPS shall provide the necessary funds for such ongoing maintenance and repairs.
4. Rincon Park encompasses a small portion of Herb Caen Way (the "Encroachment Area") that is subject to a Revocable Encroachment Permit between the Agency and the Port dated September 7, 2001 and several Street Lamps located along a portion of Herb Caen Way. The Encroachment Area and the Street Lamps are to be maintained by the Agency pursuant to the Revocable Encroachment Permit and the Rincon Park Street Lamps Agreement between the Agency and the Port dated September 7, 2001.

5. The Agency desires to obtain a professional management firm to provide maintenance, security and overall management of park operations including the Premises, Encroachment Area, Street Lamps and Sculpture. Rincon Park is located within the Port's jurisdiction. The Port desires to provide such services to the Agency. After due analysis, Agency staff believes that the Port can operate Rincon Park more effectively and more cost efficiently than a private contractor.
6. The Agency and Port have agreed to the Port's maintenance and management of the Park on the terms and conditions set forth in the Agreement.

RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that the Executive Director is authorized to execute a Maintenance and Management Agreement with the San Francisco Port Commission for a three year term, in an amount not to exceed \$390,000 for the first year, and subject to appropriation of funds for the second and third years, which Maintenance and Management Agreement is substantially in the form lodged with Agency General Counsel.

Approved As to Form:



for, Bertha A. Ontiveros 11/14/02
Agency General Counsel