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DEPARTMENT OF PARKS  
AND COMMUNITY SERVICES

CITY OF SACRAMENTO  
CALIFORNIA

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ROBERT P. THOMAS  
DIRECTOR

September 30, 1988

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G. ERLING LINGGI  
ASSISTANT DIRECTOR

DIVISIONS:  
CROCKER ART MUSEUM  
GOLF  
METROPOLITAN ARTS  
MUSEUM AND HISTORY  
PARKS  
RECREATION  
ZOO

WALTER S. UEDA  
DEPUTY DIRECTOR

Budget and Finance Committee  
Sacramento, California

Honorable Members in Session:

SUBJECT: Modification of East Lawn Park Contribution Agreement

SUMMARY

This report provides information relating to a modified contribution of a park at 42nd Street and Folsom Boulevard from East Lawn, Inc. In addition, this report requests authorization to execute a revised agreement for acceptance of the park site.

BACKGROUND INFORMATION

On April 14, 1987, City Council authorized the City Manager to execute an agreement with East Lawn, Inc. in which the corporation agreed to donate to the City a one-third acre parcel, located adjacent to East Lawn Cemetery, once it had been developed as a neighborhood park. The contribution consisted of property, park design, \$50,000 in construction funds, partial park maintenance for a period of ten years, and the words "East Lawn" in the name of the park, should the corporation so wish. Staff proceeded with necessary public meetings to determine the master plan for the park. Final conceptual drawings, approved by residents, were given to East Lawn's landscape architects in October.

In April 1988, East Lawn, Inc. came under new management and was granted a 90-day suspension of the agreement by the Deputy City Attorney in order to familiarize itself with the background and details of the agreed-upon development of the park site. Shortly thereafter, a number of young families who reside near the park site circulated and submitted a petition supporting the new park, collecting 500 signatures within a 10-block radius of the park.

Per the recommendation of new management, the Board of Directors of East Lawn, Inc. met in June and voted to modify the gift by offering to contribute the parcel to the City in its undeveloped condition, with the City to bear the cost of development and maintenance. In addition, the Board voted to construct a solid wall on the south and east borders of the parcel, dividing it from the cemetery proper. The President of East Lawn attributed this modification to the corporation's need to pay for the repair of extensive drainage problems along the east border of the cemetery. No drainage repair is necessary at the park site.

Staff has received confirmation from the City Attorney's office that the original agreement between the City and East Lawn, Inc., dated May 7, 1987, is unenforceable as it is not supported by legal consideration. In other words, the parties involved have not yet received a measurable benefit from the agreement, nor has either party suffered any measurable detriment.

Parks and Community Services staff and area residents recently met with the President of East Lawn, Inc. to discuss the modification. Due to strong neighborhood support of the proposed park, the President agreed that, upon acceptance of the parcel by the City, East Lawn, Inc. would also contribute the following:

1. Completed park plans and specifications;
2. \$8,000 towards development of the park; and
3. Maintenance of the existing park site for a period of two years, unless development is completed within that period.

The contribution of \$8,000 was the estimated cost of constructing a solid wall on the south border of the parcel. The resident who shares that border with East Lawn requested that the wall not be constructed. Therefore, the President of East Lawn, Inc. agreed to apply this amount towards the park. The east wall will still be constructed.

Residents at the meeting agreed to solicit the neighborhood for funds to develop the park site as well. Parks and Community Services staff will provide technical assistance in the fund raising efforts.

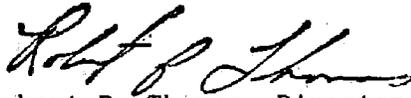
#### FINANCIAL DATA

Execution of a revised agreement between the City and East Lawn, Inc. for acceptance of the park site at 42nd Street and Folsom Boulevard is necessary. The Parks Division estimates an annual cost of \$4,000 to maintain the park once it is developed, which will be absorbed by the division budget. Any funds raised by the citizens group will be directed to development of the park.

RECOMMENDATION

It is recommended that the Budget and Finance Committee approve this report and refer it to the full City Council for action. Further, it is recommended that the City Council, by resolution, authorize the City Manager to execute a revised agreement with East Lawn, Inc. for the donation of land, park plans and specifications, \$8,000 towards development, and maintenance for a period of two years, unless the park is developed within that period.

Respectfully submitted,



Robert P. Thomas, Director  
Parks and Community Services

Recommendation Approved:



Jack R. Crist  
Deputy City Manager

RPT:ja

October 11, 1988  
District No. 1

# RESOLUTION No.

Adopted by The Sacramento City Council on date of

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE  
AN AGREEMENT FOR ACCEPTANCE OF THE PARK SITE  
CONTRIBUTION BY EAST LAWN COMPANY, INC.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

That the City Manager is hereby authorized and directed to execute, on behalf of the City of Sacramento, an agreement between the City of Sacramento and East Lawn Company, Inc. for acceptance of the contribution of the park site at the corner of 42nd Street and Folsom Boulevard.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK