

1 [Approval of Lease Agreement]

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3 **Resolution approving a lease agreement with Breda Transportation, Inc. and the City**
4 **and County of San Francisco operating by and through the San Francisco Port**
5 **Commission for shed space, loading dock space and office space at Pier 80, San**
6 **Francisco, California.**

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8 WHEREAS, Section 3.581(g) of the Charter of the City and County of San Francisco
9 authorizes the Port Commission to enter into leases and franchises for the operation of
10 property within the jurisdiction of the Port Commission; and

11 WHEREAS, under the City Charter, leases granted or made by the Port Commission
12 shall be administered exclusively by the operating forces of the Port Commission; and

13 WHEREAS, Breda Transportation, Inc. is a current tenant of the Port Commission in
14 good standing at Shed D, Pier 80, pursuant to a lease approved by the Port Commission on
15 July 9, 1996 (Resolution No. 96-66); and

16 WHEREAS, Port staff and Breda Transportation, Inc., have negotiated the terms of a
17 new lease for Shed D, Pier 80 (Lease No. L-13220 or the "Lease") on terms and conditions as
18 outlined in the Memorandum to the Port Commission for Agenda Item 4B of the Port
19 Commission meeting on January 8, 2002, a copy of which lease was available for public
20 inspection with the Port Commission Secretary; and,

21 WHEREAS, The Lease is for a term of sixteen (16) months with an eighteen (18)
22 month option; and,

23 WHEREAS, The total rent for the Lease term exceeds one million dollars
24 (\$1,000,000.00); and

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1 WHEREAS, Section 9.118 of the Charter of the City and County of San Francisco
2 requires that leases of ten (10) years or longer in length and/or having anticipated revenues to
3 the City of one million dollars (\$1,000,000.00) or more are subject to the approval of the Board
4 of Supervisors of the City and County of San Francisco; and

5 WHEREAS, on January 8, 2002, by Resolution No. 02-02, the Port Commission
6 authorized and directed the Executive Director of the Port, after approval by the Board of
7 Supervisors, to execute the Lease to Breda Transportation, Inc., for shed, loading dock and
8 office space located at Shed D, Pier 80, San Francisco, California, in accordance with terms
9 set forth in the Memorandum to the Commission; and

10 WHEREAS, A copy of the Memorandum, Resolution No. 02-02, and the Lease are on
11 file with the Clerk of the Board of Supervisors in File No. , which is hereby declared to
12 be a part of this Resolution as if set forth fully herein; now, therefore, be it

13 RESOLVED, That the Board of Supervisors authorizes the Executive Director of the
14 Port to execute Lease No. L-13220 with Breda Transportation, Inc., a Delaware Corporation,
15 on behalf of the City, by and through its Port Commission, in substantially the form of such
16 agreement presented to this Board of Supervisors, and to make such non-material
17 amendments thereto in consultation with the City Attorney that would not significantly increase
18 the liability of the City or the Port.

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20 APPROVED AS TO FORM

21 DENNIS J. HERRERA
22 City Attorney

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24 LISA A. CLAY, Deputy City Attorney