

1 [Real Property Lease Amendment.]

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3 Resolution Approving a Lease at One Market Plaza, for the Department of Emergency  
4 Management Under Administrative Code Section 23.27.

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6 WHEREAS, The City's Department of Emergency Management (DEM) has occupied  
7 room #AMZ98, on the mezzanine level of One Market Street, together with certain other  
8 rooftop locations on what is known as the "Spear Tower", (the "Premises") since April 22,  
9 1998 pursuant to a lease which expires April 30, 2013, and currently operates and maintains  
10 emergency communication equipment from said location; and,

11 WHEREAS, The City's Real Estate Division, at the request of DEM, negotiated a First  
12 Amendment to said lease in order to clarify the terms and conditions of said lease to the  
13 benefit of the City and expand the definition of premises of said lease (the "Amendment"), a  
14 copy of which is on file with the Clerk of the Board in File No. \_\_\_\_\_; and,

15 WHEREAS, The City's expanded presence in the server room of the premises and  
16 upon the roof of the Spear Tower shall result in an increase of rental payments owed on an  
17 annual basis of \$14,400, with an effective date of July 1, 2009; and

18 WHEREAS, The premises may be expanded in the future to accommodate additional  
19 equipment as required by the City, and the resultant rental rate may be adjusted to the mutual  
20 satisfaction of the parties as established and approved by the Director of Property; and,

21 WHEREAS, The Lease requires the approval of the Board of Supervisors under  
22 Administrative Code Section 23.27; now, therefore, be it

23 RESOLVED, That the Board of Supervisors approves the Lease and authorizes the  
24 Director of Property to take all actions, on behalf of the City, to enter into and perform the  
25 City's obligations under the Lease, and to make any amendments or modifications that the

1 Director of Property determines, in consultation with the City Attorney, are in the best interest  
2 of the City, do not increase the rent or otherwise materially increase the obligations or  
3 liabilities of the City, are necessary or advisable to effectuate the purposes of the Lease or  
4 this resolution, and are in compliance with all applicable laws, including City's Charter; and be  
5 it

6 FURTHER RESOLVED, That the City agrees to indemnify, defend, and hold harmless  
7 Landlord and its agents from and against any and all claims, costs, and expenses, including,  
8 without limitation, reasonable attorneys fees, incurred as a result of (a) City's use of the  
9 Premises, (b) any default by City in the performance of any of its material obligations under  
10 the Lease, or (c) any negligent acts or omissions of City or its agents, in, on, or about the  
11 Premises or the property, provided, however, City shall not be obligated to indemnify Landlord  
12 or its agents to the extent any claim arises out of the negligence of willful misconduct of  
13 Landlord or its agents; and, be it

14 FURTHER RESOLVED, That any action taken by any City employee or official with  
15 respect to the exercise of the Lease as set forth herein is hereby ratified and affirmed.

16 RECOMMENDED: \$14,400.00 Available  
17 Subfund: 1GAGFAAA  
18 Index Code: 770218  
19 Subobject: 03011

20 \_\_\_\_\_  
21 Director of Property

22 \_\_\_\_\_  
23 Controller

24 \_\_\_\_\_  
25 Department of Emergency Management