

1 [Lease Termination Agreement - Literacy for Environmental Justice - Lease No. L-13816 -
2 EcoCenter]

3 **Resolution authorizing the Mutual Termination Agreement between the Port of**
4 **San Francisco (Port) and Literacy for Environmental Justice for Lease No. L-13816,**
5 **for the EcoCenter at Heron’s Head Park, located at Jennings and Cargo Way, pending**
6 **Board approval.**

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8 WHEREAS, Charter Section B3.581 empowers the Port Commission with the
9 authority and duty to use, conduct, operate, maintain, manage, regulate and control lands
10 within Port’s jurisdiction; and,

11 WHEREAS, The Port and Literacy for Environmental Justice, a California corporation,
12 entered into a ten-year lease, dated September 27, 2005, for reference purposes only for the
13 2,292 square-foot building located within Heron’s Head Park, known as “the EcoCenter at
14 Heron’s Head Park” (Port Lease No. L-13816 (Lease)) which was approved by Port
15 Commission Resolution Nos. 05-64 and 07-63 and Board of Supervisors Resolution Nos.
16 60-06 and 553-07; and,

17 WHEREAS, Port and Literacy for Environmental Justice now desire to terminate the
18 Lease; and,

19 WHEREAS, On October 8, 2013, the Port Commission adopted Resolution No.
20 13-39 authorizing the Executive Director of the Port to execute the negotiated Mutual
21 Termination Agreement between the Port and Literacy for Environmental Justice setting
22 forth the terms of the mutual termination, which Resolution and Agreement is on file with the
23 Clerk of the Board of Supervisors in File No. 131092, which is hereby declared to be a part
24 of this Resolution as if set forth fully herein; now, therefore, be it

1 RESOLVED, That the Board of Supervisors authorizes the Executive Director of the
2 Port to terminate the Lease on a form approved by the City Attorney and in substantially the
3 form of the Mutual Termination Agreement on file with the Clerk of the Board of Supervisors;
4 and, be it

5 FURTHER RESOLVED, That the Board of Supervisors authorizes the Executive
6 Director of the Port to enter into any additions, amendments or other modifications to the
7 Mutual Termination Agreement (including, without limitation, preparation and attachment of,
8 or changes to, any or all of the exhibits and ancillary agreements) that the Executive
9 Director, in consultation with the City Attorney, determines when taken as a whole, are in the
10 best interest of the Port, do not materially increase the obligations or liabilities of the Port or
11 City or materially decrease the public benefits accruing to the Port, and are necessary or
12 advisable to complete the transactions contemplated and effectuate the purpose and intent
13 of this Resolution, such determination to be conclusively evidenced by the execution and
14 delivery by the Executive Director of any such documents; and, be it

15 FURTHER RESOLVED, That the Board of Supervisors approves and ratifies all prior
16 actions taken by the officials, employees and agents of the Port Commission or the City with
17 respect to the Mutual Termination Agreement; and, be it

18 FURTHER RESOLVED, That within thirty (30) days of the Mutual Termination
19 Agreement being fully executed by all parties, the Port shall provide the final Mutual
20 Termination Agreement to the Clerk of the Board for inclusion into the official file.

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