

1 [Lease of City Owned Real Property]

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3 **Resolution authorizing the lease of 2,686 sq. ft. of space at the Main Library to the**
4 **Friends and Foundation of the San Francisco Public Library.**

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6 WHEREAS, The Friends and Foundation of the San Francisco Public Library (the
7 "Friends and Foundation") is a non-profit 501(c)(3) corporation devoted to: (i) assisting in the
8 development of the San Francisco Public Library, which is a City department currently
9 consisting of the Main Library and 26 branch libraries (the "Library"), whereby the Library may
10 continue to develop into one of the truly fine public libraries in the Nation, meet national library
11 standards as set forth by the American Library Association, and fulfill its literary and
12 educational purpose; (ii) consulting with, procuring the aid and cooperation of, and making
13 recommendations and suggestions to the Library Commission, Board of Supervisors, the
14 Mayor, and other boards, commissions and authorities having jurisdiction over Library matters
15 for the continued betterment of the Library; (iii) encouraging gifts of rare, expensive, and other
16 goods, properties and materials which the Library would not otherwise be able to secure; and
17 (iv) promoting the public use of the Library and appreciation of its value as a cultural and
18 educational asset to the community and encouraging related activities which will enhance the
19 Library's position in the community; and

20 WHEREAS, The Friends and Foundation provides supplemental funding to the
21 Library, to enhance Library services, programs, materials and capital projects, which funding
22 is not intended to replace funding the City traditionally provides to the Library. The Friends
23 and Foundation is willing to continue to provide such supplemental funding in an amount in
24 excess of \$300,000 per calendar year; and

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1 WHEREAS, The Friends and Foundation occupies approximately 387 square feet for
2 operation of a bookstore and approximately 2,686 square feet in the Building as administrative
3 offices for fundraising and community programs benefiting the Library; and

4 WHEREAS, On November 6, 2002, the Library Commission unanimously approved a
5 Library Resolution (5-02) recommending that the Board of Supervisors approve leases with
6 the Friends and Foundation of the San Francisco Public Library on the terms contain herein;
7 now, therefore, be it

8 RESOLVED, That in accordance with the recommendation of the, Library
9 Commission, City Librarian of the City and County of San Francisco and the Director of
10 Property, the Director of Property is hereby authorized to take all actions, on behalf of the
11 City and County of San Francisco, as Landlord, to execute a written lease (copy of which is
12 on file with the Clerk of the Board) and other related documents with the Friends and
13 Foundation of the San Francisco Public Library, a 501 (c) 3 non-profit as tenant for space in
14 the building commonly known as the Main Library at 100 Larkin Street, San Francisco,
15 California, which comprises an area of approximately 2,686 square feet on the terms and
16 conditions herein and on a form approved by the City Attorney; and, be it

17 FURTHER RESOLVED, That the lease shall commence upon City's delivery of
18 mutually executed and authorized lease (expected to be about January 1, 2003) and
19 terminate June 30, 2004, subject to Tenant's right to terminate upon 90 days advance
20 written notice. The monthly rent shall be \$5,148.17; and, be it

21 FURTHER RESOLVED, That the lease shall include a clause approved by the City
22 Attorney, indemnifying and holding harmless the Tenant, from and agreeing to defend the
23 Tenant against any and all claims, costs and expenses, including, without limitation,
24 reasonable attorney's fees, incurred as a result of any default by the City in the
25 performance of any of its obligations under the lease, or any acts or omissions of City or its

1 agents, in, on or about the premises or the property on which the premises are located,
2 excluding those claims, costs and expenses incurred as a result of the active negligence or
3 willful misconduct of Tenant or its agents; and be it

4 FURTHER RESOLVED, That all actions heretofore taken by the officers of the City
5 with respect to such lease are hereby approved, confirmed and ratified; and, be it

6 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
7 Property to enter into any amendments or modifications to the Lease (including, without
8 limitation, the exhibits) that the Director of Property determines, in consultation with the City
9 Attorney, are in the best interest of the City, do not increase the rent or otherwise materially
10 increase the obligations or liabilities of the City, are necessary or advisable to effectuate the
11 purposes of the Lease or this resolution, and are in compliance with all applicable laws,
12 including City's Charter; and, be

13 FURTHER RESOLVED, That said Lease shall be subject to certification as to funds
14 by the Controller, pursuant to Section 6.302 of the Charter.

15 RECOMMENDED:
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City Librarian

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Director of Property
21 Real Estate Division
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