

1 [License and Reciprocal Agreement]

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3 **Resolution authorizing an amendment to extend the term of an existing one-year**

4 **License and Hold Harmless Agreement for Excavation, Shoring, Underpinning and**

5 **Other Construction Activities (“Agreement”) with Continental 155 5th Corporation**

6 **(“Owner”), and the sole tenant in possession, Wells Fargo Bank, N.A. (“Wells Fargo”)**

7 **for an additional three years, to November 17, 2003, to provide the City the right to**

8 **enter the real property at 155 Fifth Street as needed to complete construction of the**

9 **Moscone Center Expansion Project (“Moscone West”), and authorizing a reciprocal**

10 **agreement to provide Owner similar rights of access in relation to the Moscone West**

11 **site should Owner require such access for future construction.**

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13 WHEREAS, On November 17, 1999, City, Owner and Wells Fargo entered into a

14 one-year License and Hold Harmless Agreement for Excavation, Shoring, Underpinning and

15 Other Construction Activities (“Agreement”), a copy of which is on file with the Clerk of the

16 Board of Supervisors in File No. 001863, which is hereby declared to be a part of

17 this resolution as if set forth fully herein; and,

18 WHEREAS, City, Owner and Wells Fargo wish to extend the term of the Agreement

19 for an amount of time sufficient for City to complete Moscone West; and,

20 WHEREAS, In consideration for amending the Agreement, City will grant to Owner a

21 Reciprocal License and Hold Harmless Agreement for Excavation, Shoring, Underpinning

22 and Other Construction Activities for a term of not more than thirty years on terms

23 essentially as set forth in Exhibit H of the Agreement (“Reciprocal Agreement”); now,

24 therefore, be it

25 ////

1 RESOLVED, In accordance with the recommendation of the Director of Convention
2 Facilities and the Director of Property, that the Mayor and the Clerk of the Board of
3 Supervisors are hereby authorized to execute an amendment to the Agreement extending
4 the term thereof to November 17, 2003 and including the indemnities of Owner and Wells
5 Fargo set forth in the Agreement ("Amendment") in connection with the real property located
6 at 155 Fifth Street, San Francisco, in order to accommodate the construction of Moscone
7 West; and, be it


8 FURTHER RESOLVED, That the Mayor and the Clerk of the Board of Supervisors
9 are hereby authorized to execute the Reciprocal Agreement in substantially the form
10 attached to the Agreement as Exhibit H; and, be it

11 FURTHER RESOLVED, That the Board of Supervisors authorizes the Mayor and the
12 Clerk of the Board of Supervisors to enter into any amendments or modifications to the form
13 of Agreement and Reciprocal Agreement on file (including without limitation, the exhibits)
14 that the Director of Property and director of Convention Facilities determine, in consultation
15 with the City Attorney, are in the best interest of the City, do not materially increase the
16 obligations or liabilities of the City, are necessary or advisable to effectuate the purposes of
17 the Agreement, the Reciprocal Agreement or this resolution, and are in compliance with all
18 applicable laws, including City's Charter.

19 *////*
20 *////*
21 *////*
22 *////*
23 *////*
24 *////*
25 *////*

1 RECOMMENDED:

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3 
4 _____
5 Director of Convention Facilities
6 For Jack Moerschbaeher

7 
8 _____
9 Director of Property

10 APPROVED AS TO FORM:
11 Office of the City Attorney

12 
13 _____
14 Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Resolution

File Number: 001863

Date Passed:

Resolution authorizing an amendment to extend the term of an existing one-year license and hold harmless agreement for the excavation, shoring, underpinning and other construction activities ("Agreement") with Continental 155 5th Corporation ("Owner"), and the sole tenant in possession, Wells Fargo Bank, N.A. ("Wells Fargo") for an additional three years, to November 17, 2003, to provide the City the right to enter the real property at 155 5th Street as needed to complete construction of the Moscone Center Expansion Project ("Moscone West"), and authorizing a reciprocal agreement to provide Owner similar rights of access in relation to the Moscone West site should Owner require such access for future construction.

November 20, 2000 Board of Supervisors — ADOPTED

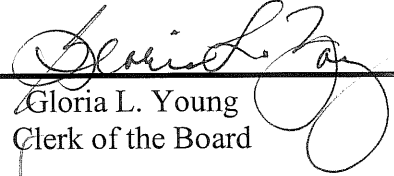
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom,
Teng, Yaki, Yee

File No. 001863


I hereby certify that the foregoing Resolution was ADOPTED on November 20, 2000 by the Board of Supervisors of the City and County of San Francisco.

NOV 30 2000

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Willie L. Brown Jr.