

1 [Lease of Real Property at 3801 Third Street, Suite 600]

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3 **Resolution authorizing the lease of 10,740 square feet of space at 3801 Third Street,**
4 **Suite 600, for the San Francisco Public Utilities Commission (SFPUC), Wastewater**
5 **Collection System Division.** /retroactively to July 1, 2007

6

7 WHEREAS, The SFPUC's Wastewater Collection System Division implements the
8 City's Sewer User Charge and the Fats, Oils, Grease (FOG)/Biofuel Programs while
9 protecting the environment and the public health, safety, and property through maintenance of
10 the City's Sewer Collection System and regulation of the industrial and storm water
11 discharges into the sewage system; and

12 WHEREAS, The Real Estate Division has negotiated a renewal lease to meet the
13 needs of the Wastewater Collection System Division on file with the Clerk of the Board of
14 Supervisors in File No. ⁰⁷⁰⁷⁹³, which is hereby declared to be a part of this resolution as if set
15 forth fully herein; and

16 WHEREAS, The term of the lease shall be for 5-years with an estimated
17 commencement date of July 1, 2007; and,

18 WHEREAS, The City shall have one additional option term to extend the lease for an
19 additional 4-years with rent at 95% of the then prevailing market rent; and,

20 WHEREAS, The base monthly rent for the initial term shall be \$27,924 fully serviced;
21 now, therefore, be it

22 RESOLVED, That in accordance with the SFPUC Resolution File No. 07-0047 and the
23 recommendation of the Director of Property, the Director of Property is hereby authorized to
24 take all actions, on behalf of the City and County of San Francisco, as Tenant, to execute the
25 Lease with Bayview Plaza, LLC, as Landlord for 3801 Third Street, Suite 600, San Francisco,

1 California, on file with the Clerk of the Board of Supervisors in File No. 070793, which is
2 hereby declared to be a part of this resolution as if set forth fully herein; and, be it

3 FURTHER RESOLVED, That the monthly base rent for the initial 5-year term shall be
4 \$27,924 (\$2.60 per square foot) fully serviced; and be it

5 FURTHER RESOLVED, That the City shall have one additional option term of 4-years
6 with rent at 95% of the then prevailing market rent; and be it

7 FURTHER RESOLVED, That the Lease shall include a clause approved by the City
8 Attorney, indemnifying and holding harmless the Landlord from and agreeing to defend the
9 Landlord against any and all claims, costs and expenses, including, without limitation,
10 reasonable attorney's fees, incurred as a result of Cy's use of the premises, any default by the
11 City in the performance of any of its obligations under the lease or any acts or omissions of
12 City or its agents, in, on or about the premises or the property on which the premises are
13 located, excluding those claims, costs and expenses incurred as a result of the active gross
14 negligence or willful misconduct of Landlord or its agents; and be it

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

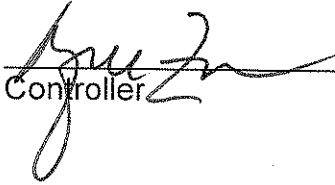
17 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
18 Property to enter into any amendments or modifications to the lease that the Director of
19 Property determines, in consultation with the City Attorney, are in the best interest of the City,
20 do not increase the rent or otherwise materially increase the obligations or liabilities of the
21 City, are necessary or advisable to effectuate the purposes of the lease and are in compliance
22 with all applicable laws, including City's Charter.

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\$335,088 Available
Index Code: 921030


Controller

RECOMMENDED:


Director of Property
Real Estate Division



City and County of San Francisco

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

Tails Resolution

File Number: 070793

Date Passed:

Resolution authorizing the lease of 10,740 square feet of space at 3801 Third Street, Suite 600, for the San Francisco Public Utilities Commission (SFPUC), Wastewater Collection System Division retroactively to July 1, 2007.

July 31, 2007 Board of Supervisors — ADOPTED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Jew, Maxwell, McGoldrick,
Mirkarimi, Peskin, Sandoval

Absent: 1 - Dufty

File No. 070793

I hereby certify that the foregoing Resolution was ADOPTED on July 31, 2007 by the Board of Supervisors of the City and County of San Francisco.

8/10/07
Date Approved

Angela Calvillo
Angela Calvillo
Clerk of the Board

[Signature]
Mayor Gavin Newsom