

1 [Real Property Lease - Cort Family Living Trust - 760 Harrison Street - Department of
2 Public Health - \$25,350 Per Month]

3 **Resolution retroactively authorizing the extension of a lease of real property at 760**
4 **Harrison Street for the Department of Public Health with the Cort Family Living Trust**
5 **for a term of an additional 5 years from July 1, 2012, to June 30, 2017, at a monthly**
6 **rate of \$25,350.**

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8 WHEREAS, The City, on behalf of the Department of Public Health, entered into a
9 Lease authorized by Resolution 644-96 commencing July 18, 1997 for approximately
10 13,000 square feet of clinic space at 760 Harrison Street with an initial term terminating on
11 June 30, 2007; and

12 WHEREAS, The Lease contains two, five-year option periods at 95% of the then
13 current fair market rent; and

14 WHEREAS, The first, five-year option period was authorized by Resolution 409-07
15 extending the initial term of the Lease from July 1, 2007, to June 30, 2012; and

16 WHEREAS, The remaining second, five-year option period extending the Lease
17 term from July 1, 2012, to June 30, 2017, is subject to an enactment of a resolution
18 approving and authorizing the exercise of said option by the Board of Supervisors and
19 Mayor in their respective sole and absolute discretion; and

20 WHEREAS, The fair market rent for the second, five-year option period will continue
21 at the existing monthly rate of \$25,350, or \$1.95 per square foot, with a new base year for
22 pass through expenses of 2012; now, therefore, be it

23 RESOLVED, That in accordance with the recommendation of the Director of Public
24 Health and the Acting Director of Property, the Board of Supervisors hereby retroactively
25 approves the City's exercise of the option to extend the Lease term for five years

1 commencing on July 1, 2012 on the terms and conditions set forth in the Lease, a copy of
2 which is included in Board of Supervisors File No. 121035, and on a form approved by the
3 City Attorney and authorizes the Acting Director of Property to take all actions, on behalf of
4 the City and County of San Francisco as may be required in furtherance of the City's
5 exercise of the option; and, be it

6 FURTHER RESOLVED, That the Lease includes a clause indemnifying, holding
7 harmless, and defending the Landlord and its agents from and against any and all claims,
8 costs and expenses, including without limitation, reasonable attorney fees incurred as a
9 result of any default by the City in the performance of any of its material obligations under
10 the Lease, or any negligent acts or omissions of the City, or its agents, in, on or about the
11 Premises or the property on which the Premises are located, excluding those claims, costs
12 and expenses incurred as a result of the negligence or willful misconduct of the Landlord or
13 its agents; and, be it

14 FURTHER RESOLVED, That any action taken by any City employee or official with
15 respect to this Lease is hereby ratified and affirmed; and, be it

16 FURTHER RESOLVED, That the Board of Supervisors authorizes the Acting
17 Director of Property to enter into any amendments or modifications to the Lease (including
18 without limitation, the exhibits) that the Acting Director of Property determines, in
19 consultation with the City Attorney, are in the best interest of the City, do not increase the
20 rent or otherwise materially increase the obligations or liabilities of the City, are necessary
21 or advisable to effectuate the purposes of the Lease or this resolution, such determination
22 to be conclusively evidenced by the execution and delivery by the Acting Director of
23 Property of any amendments thereto in compliance with all applicable laws, including City's
24 Charter; and, be it

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1 FURTHER RESOLVED, That City shall occupy said premises for the entire
2 extension term expiring June 30, 2017 unless funds for rental payments are not
3 appropriated in any subsequent fiscal year, at which time City may terminate the Lease
4 with written notice to Landlord pursuant to Section 3.105 of the Charter of the City and
5 County of San Francisco.

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7 RECOMMENDED:

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Department of Public Health

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John Updike
Acting Director of Property

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13 \$304,200 Available
14 Appropriation No. HMHMCC 730515

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16 _____
Controller

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