

AIRPORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO
RESOLUTION NO. 13 0177

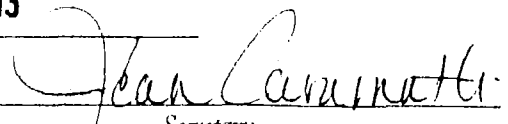
APPROVAL OF AMENDMENT NO. 2 TO THE DOMESTIC TERMINAL FOOD AND BEVERAGE PROGRAM LEASE NO. 03-0193 WITH GOTHAM ENTERPRISES, LLC

- WHEREAS, pursuant to Resolution No. 03-0193, adopted September 29, 2003, the Airport Commission ("Commission") awarded a Domestic Terminal Food and Beverage Program Lease ("Lease") to Gotham Enterprises, LLC, with a base term of ten (10) years with one option to extend the term by two (2) years ("Option Term") and
- WHEREAS, pursuant to Resolution No. 09-0121, adopted May 22, 2009, the Commission approved an early exercise of the Option Term of the Lease; and
- WHEREAS, pursuant to Resolution No. 03-0115, adopted January 30, 2013, the Commission approved Amendment No. 1 to the Lease, which allowed for the permanent closure of Tenant's location in Terminal 1; and
- WHEREAS, the Terminal 3 East renovation project requires the complete demolition of Tenant's facility; and
- WHEREAS, staff has negotiated the terms and conditions for Amendment No. 2 to the Lease with Tenant; now, therefore, be it
- RESOLVED, that this Commission hereby approves Amendment No. 2 to Domestic Terminal Food and Beverage Program Lease No. 03-0193 with Gotham Enterprises, LLC. on the terms and conditions specified on Attachment 1, containing such other terms and conditions as are consistent with the foregoing, including: offer of Replacement Premises in Terminal 3 East, new commencement date of the ten (10) year term, adjustment of Minimum Annual Guarantee and reimbursement of unamortized investment in the amount of Twenty Six Thousand Two Hundred Eight Dollars (\$26,208.00) to Gotham Enterprises, LLC; and, be it further
- RESOLVED, that this Commission authorizes the Airport Director to enter into any modifications to the Lease that the Airport Director determines, in consultation with the City Attorney, are in the best interests of the City and County of San Francisco ("City"), do not otherwise materially increase the obligations or liabilities of the City, are necessary or advisable to effectuate the purposes of the Lease or this Resolution, and are in compliance with all applicable laws, including the City's Charter; and, be it further
- RESOLVED, that this Commission hereby directs the Commission Secretary to seek approval of this Lease Amendment No. 2 from the Board of Supervisors pursuant to Section 9.118 of the Charter of the City and County of San Francisco.

I hereby certify that the foregoing resolution was adopted by the Airport Commission

at its meeting of _____

AUG 12 2013



Secretary