

1 [Bay Area Cellular Telephone Company dba AT&T Wireless Lease]

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3 **Resolution authorizing and approving a lease of cellular transmitter space at the Fire**
4 **Station 30 (inactive) at 1300 4th Street to Bay Area Cellular Telephone Company dba**
5 **AT&T Wireless.**

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7 WHEREAS, The San Francisco Board of Supervisors hereby adopts the following
8 findings regarding a proposed lease of cellular transmitter space at the Fire Station 30
9 (inactive) at 1300 4th Street, Block 3837 Lot 4 owned by the City and County of San
10 Francisco (the "City"), operated by San Francisco Fire Department (SFFD) on behalf of the
11 City; the Director of Property has negotiated a form of agreement (the "Lease") with Bay
12 Area Cellular Telephone Company dba AT&T Wireless (BACTC) for the lease of the
13 Premises for a monthly rent of \$1,600.00 for a term of five years, with the tenant having the
14 right to extend the lease for an additional five years, and there is an annual rent increase
15 based upon the Consumer Price Index and the rent will be reappraised prior to the exercise
16 of the option; and the Lease also provides that the cost of all tenant improvements to the
17 Premises will be borne by BACTC; and BACTC will pay all electric utility costs; and

18 WHEREAS, BACTC has received a City Planning Commission approval as well as a
19 permit to place one equipment cabinet and two antennae at the Station; and

20 WHEREAS, a form of the Lease is on file with the Clerk of the Board of Supervisors;
21 now, therefore, be it

22 RESOLVED, That in accordance with the recommendation of the Fire Chief and
23 Traffic and the Director of Property, the Mayor, the Clerk of the Board of Supervisors and
24 the Director of Property are hereby authorized to take all actions, on behalf of the City and

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1 County of San Francisco, as Landlord, to execute a written lease and other related
2 documents with BACTC, as Tenant; and, be it

3 FURTHER RESOLVED, The Board of Supervisors hereby finds that it is in the best
4 interests of the City to enter into the Lease based upon direct negotiations with BACTC
5 without a competitive bid process. Competitive bidding in this situation would be
6 impracticable or impossible. There is sufficient space for a second cell phone company to
7 place a transmitter and antenna on this site; and, be it

8 FURTHER RESOLVED, The Mayor or his designee is hereby authorized to execute,
9 and the Clerk of the Board of Supervisors is hereby authorized to attest and affix the seal of
10 the City thereon, the Lease on behalf of the City and County of San Francisco on file with
11 the Clerk of the Board of Supervisors; and, be it

12 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
13 Property to enter into any amendments or modifications to the Lease (including without
14 limitation, the exhibits) that the Director of Property determines, in consultation with the City
15 Attorney, are in the best interest of the City, do not increase the rent or otherwise materially
16 increase the obligations or liabilities of the City, are necessary or advisable to effectuate the
17 purposes of the Lease or this resolution, and are in compliance with all applicable laws,
18 including City's Charter.

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20 RECOMMENDED:

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Fire Chief

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Director of Property