1 [Mutual Termination Agreement of Real Property - 2829 Taylor Street - 360 Jefferson Street - Alioto Fish Company, Ltd.]

2

3 **Resolution authorizing the Executive Director of the Port of San Francisco to execute a**

4 **Mutual Termination Agreement for Port Lease No. L-7491 and Port Lease No. L-9171**

5 **between the Port of San Francisco and Alioto Fish Company Ltd., for the restaurant**

6 **premises located at 2829 Taylor Street and the associated warehouse premises located**

7 **at 360 Jefferson Street; and to authorize the Executive Director of the Port of San**

8 **Francisco to enter into amendments or modifications to the Mutual Termination**

9 **Agreement that do not materially increase the obligations or liabilities to the City and**

10 **are necessary to effectuate the purposes of this Resolution.**

11

12 WHEREAS, California Statutes of 1968, Chapter 1333 (the "Burton Act") and Charter,

13 Sections 4.114 and B3.581 empower the Port Commission with the power and duty to use,

14 conduct, operate, maintain, manage, regulate, and control the Port area of the City and

15 County of San Francisco; and

16 WHEREAS, Alioto Fish Company, Ltd. (the "Tenant") is the current tenant under Port

17 Lease No. L-7491 for the premises known as Alioto's Restaurant, located at 2829 Taylor

18 Street; and

19 WHEREAS, The term of Port Lease No. L-7491 is 66 years, commencing May 1, 1970,

20 and expiring April 30, 2036; and

21 WHEREAS, The Tenant is also the current tenant under Port Lease No. L-9171 for

22 approximately 15,820 square feet of associated warehouse space at 360 Jefferson Street;

23 and

24 WHEREAS, The term of Port Lease No. L-9171 is 61 years and one month,

25 commencing April 1, 1975, and expiring April 30, 2036; and

1   WHEREAS, The Port and the Tenant now wish to agree on an orderly termination of

2   Port Lease No. L-7491 and Port Lease No. L-9171, per the terms of the Mutual Termination

3   Agreement on file with the Clerk of the Board of Supervisors (the "Mutual Termination

4   Agreement"); and

5   WHEREAS, The Mutual Termination Agreement requires payment of lease termination

6   fees by the Tenant, the surrender of security deposits to the Port, and other agreements

7   relating to the release of claims and wind down of the lease relationship; and

8   WHEREAS, On April 12, 2022, through Resolution 22-20, the Port Commission

9   approved the Mutual Termination Agreement; and authorized the Executive Director or her

10   designee to execute it, and

11   WHEREAS, Charter, Section 9.118, requires Board of Supervisors' approval of the

12   termination of any lease which when entered into was for a period of ten or more years or

13   having anticipated revenue to the City of one million dollars or more; now, therefore, be it

14   RESOLVED, That the Board of Supervisors approves the Mutual Termination

15   Agreement and authorizes the Port Executive Director or her designee to execute the Mutual

16   Termination Agreement of Port Lease No. L-7491 and Port Lease No. L-9171 between the

17   Port of San Francisco and the Tenant; and, be it

18   FURTHER RESOLVED, That the Board of Supervisors authorizes the Executive

19   Director to enter into any additions, amendments or other modifications to the Mutual

20   Termination Agreement that the Executive Director, in consultation with the City Attorney,

21   determines, when taken as a whole, to be in the best interest of the Port, do not materially

22   increase the obligations or liabilities of the City or the Port, and are necessary or advisable to

23   complete the transactions which this Resolution contemplates and effectuate the purpose and

24   intent of this Resolution, such determination to be conclusively evidenced by the execution

25   and delivery by the Executive Director of such documents; and, be it

1   FURTHER RESOLVED, That within thirty (30) days of the Mutual Termination

2   Agreement being fully executed by all parties, the Port of San Francisco shall provide the final

3   agreement to the Clerk of the Board for inclusion into the official file.

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