

1 [Agreement for naming rights.]

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3 **Resolution approving and authorizing an agreement with the San Francisco Forty**
4 **Niners, Ltd., for naming rights at the stadium.**

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6 WHEREAS, The City and County of San Francisco (the "City") owns, operates and
7 maintains through its Recreation and Park Commission (the "Commission") that certain multi-
8 purpose stadium located at Candlestick Point in the City (the "Stadium"); and,

9 WHEREAS, The City entered into a lease dated December 3, 1969, as subsequently
10 amended (the "Stadium Lease"), for use of the Stadium with the San Francisco Forty Niners,
11 Ltd. (the "49ers") for the exhibition of professional football games. The term of the Stadium
12 Lease expires on May 31, 2008; and,

13 WHEREAS, The City and the 49ers entered into an agreement dated January 31,
14 1996, as subsequently amended, assigning the right to name the Stadium (the "Naming
15 Rights") to the 49ers in exchange for a fee. The term of such Naming Rights agreement
16 expired on January 31, 2002; and,

17 WHEREAS, Under the terms of that certain Agreement for Naming Rights, in
18 substantially the form on file with the Clerk of the Board in File No. _____, a copy of
19 which is hereby declared to be part of this resolution as if fully set forth herein (the
20 "Agreement"), the 49ers, for the duration of the Stadium Lease term, will have the right to sell
21 the Naming Rights to the Stadium in exchange for paying the City a Naming Rights Use Fee;
22 and,

23 WHEREAS, The 49ers shall not be required to obtain any further approval by City to
24 sell naming rights to a sponsor so long as the 49ers comply with the terms of the Agreement
25 and so long as (i) the name of the sponsor is from among those set forth on the list attached

1 as Exhibit A to the Agreement and (ii) the City's share of Naming Rights revenues under the
2 Agreement is at least \$3,000,000; now, therefore, be it

3 RESOLVED, That the Board of Supervisors hereby approves the Agreement and the
4 transactions contemplated thereby and, subject to the Commission's separate approval of the
5 Agreement, authorizes the Commission, through the General Manager of the Recreation and
6 Park Department (the "General Manager"), to execute the Agreement, in the name and on
7 behalf of the City, in substantially the form of such Agreement presented to this Board; and,
8 be it

9 FURTHER RESOLVED, That the Board of Supervisors authorizes the General
10 Manager to enter into any additions, amendments or other modifications to the Agreement
11 (including, without limitation, the attached exhibits) that the General Manager determines are
12 in the best interests of the City, do not materially decrease the revenue to the City
13 contemplated in the Agreement or otherwise materially increase the obligations or liabilities of
14 the City, and are necessary or advisable to complete the transactions contemplated in the
15 Agreement and to effectuate the purpose and intent of this resolution.

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