

File No. 130902

Committee Item No. 10
Board Item No. 13

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee

Date: 12/04/2013

Board of Supervisors Meeting

Date: 12/10/2013

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
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Completed by: Victor Young Date November 27, 2013
Completed by: Victor Young Date 12/5/2013

1 [Master Lease Amendment - United States Navy - Treasure Island South Waterfront]

2
3 **Resolution retroactively approving the Twenty-Ninth Amendment to the Treasure Island**
4 **South Waterfront Master Lease between the Treasure Island Development Authority**
5 **and the United States Navy to extend the term for one year, for the period of December**
6 **1, 2013, through November 30, 2014.**

7
8 WHEREAS, The Treasure Island Development Authority ("Authority") and the United
9 States of America, acting by and through the Department of the Navy (the "Navy"), entered
10 into a master lease dated September 4, 1998, for the Authority to use and sublease certain
11 land and structures on former Naval Station Treasure Island (as amended from time to time,
12 the "South Waterfront Master Lease") at no rent; and

13 WHEREAS, The Master Lease and amendments No. 1 through 28 are on file with the
14 Clerk of the Board of Supervisors in File No. 120735; and

15 WHEREAS, The South Waterfront Master Lease enables the Authority to
16 sublease portions of the master leased area for interim uses and generate revenues to
17 support the interim operation of Treasure Island and the future redevelopment of the former
18 Naval Station Treasure Island; and

19 WHEREAS, The term of the South Waterfront Master Lease expires on November 30,
20 2013; and

21 WHEREAS, The Authority wishes to extend the term of such lease for a period of one
22 (1) year beginning on December 1, 2013 and ending on November 30, 2014, unless sooner
23 terminated in accordance with the terms and conditions of the Master Lease; and

1 WHEREAS, The Navy concurs with such amendment and the amendment has been
2 approved by the Authority Board of Directors at its May 8, 2013 meeting; and

3 WHEREAS, The Board of Supervisors Resolution establishing the Authority, AB 699
4 and TIDA's Bylaws require that the Authority obtain Board of Supervisors approval of any
5 agreements having a term in excess of ten (10) years or anticipated revenues of \$1,000,000
6 or more; and

7 WHEREAS, Because the cumulative term of the South Waterfront Master Lease
8 exceeds ten (10) years, the Authority is requesting that the Board of Supervisors approve the
9 Twenty Ninth Amendment to extend the term of such lease for a period of one (1) year
10 beginning on December 1, 2013 and ending on November 30, 2014, unless sooner
11 terminated in accordance with the terms and conditions of the Master Lease; now, therefore,
12 be it

13 RESOLVED, That the Board of Supervisors hereby retroactively approves and
14 authorizes the Director of Island Operations of the Authority or her designee to execute and
15 enter into the Twenty Ninth Amendment to the South Waterfront Master Lease in substantially
16 the form filed with the Clerk of the Board of Supervisors in File No. 130902, and any additions,
17 amendments or other modifications to such Twenty Ninth Amendment (including, without
18 limitation, its exhibits) that the Director of Island Operations of the Authority or her designee
19 determines, in consultation with the City Attorney, are in the best interests of the Authority and
20 do not otherwise materially increase the obligations or liabilities of the Authority, and are
21 necessary or advisable to effectuate the purpose and intent of this resolution; and, be it

22 FURTHER RESOLVED, That within thirty (30) days of the lease amendment being fully
23 executed by all parties the Director of Island Operations of the Authority shall provide the final
24 lease amendment to the Clerk of the Board for inclusion into the official file.

**Treasure Island Development Authority
City and County of San Francisco**

Resolution Approving the Twenty Ninth Amendment to the Treasure Island South Waterfront Master Lease between the Treasure Island Development Authority and the United States Navy to Extend the Term.

SUMMARY OF PROPOSED ACTION:

This item seeks approval and authorization to amend the Master Lease between the Treasure Island Development Authority (the "Authority") and the U.S. Navy (the "Navy") for the South Waterfront on former Naval Station Treasure Island to extend the Term of the Lease to November 30, 2014.

BACKGROUND:

On September 4, 1998, the Authority entered into Lease Number N6247498RP00P99 (as amended from time to time, the "South Waterfront Master Lease") with the United States of America, acting by and through the Department of the Navy, for use of certain real property located at the former Naval Station, Treasure Island. The Authority does not pay any base rent under the Master Lease, and the Authority uses the subleasing and permit revenues to support the interim operation of Treasure Island. The Master Lease is renewed yearly.

The term of the South Waterfront Master Lease will expire on November 30, 2013. This Amendment will extend the term to November 30, 2014 on the same terms and conditions as the existing Master Lease.

The Authority's Board of Directors approved the Twenty Ninth Amendment to the South Waterfront Master Lease at its May 8, 2013 meeting. Pursuant to the Board of Supervisors Resolution establishing the Authority, AB 699 and TIDA's Bylaws, Board of Supervisors approval is required of any contract or agreement entered into by the Authority with a term longer than ten years. Because the term of the South Waterfront Master Lease has exceeded ten years, the Director of Island Operations requests approval of the Twenty Ninth Amendment from the Board of Supervisors to extend the term to November 30, 2014 on the same terms and conditions as the existing Master Lease.

RECOMMENDATION:

Approve the Twenty Ninth Amendment to the South Waterfront Master Lease between the Treasure Island Development Authority and the United States Navy to extend the term to November 30, 2014.

Mirian Saez, Director of Island Operations

**TWENTY NINTH AMENDMENT
TO LEASE AGREEMENT N6247498RP00P99
BETWEEN
THE UNITED STATES OF AMERICA
AND
TREASURE ISLAND DEVELOPMENT AUTHORITY**

THIS LEASE-AMENDMENT made this ____ day of _____ 2013, by and between the UNITED STATES OF AMERICA, acting by and through the Department of the Navy, hereinafter called the "Government", and the TREASURE ISLAND DEVELOPMENT AUTHORITY, hereinafter called the "Lessee";

WHEREAS, the parties hereto, as of 4 September 1998, entered into Lease Agreement N6247498RP00P99 under the terms of which the Lessee uses certain real property for space located at the former Naval Station, Treasure Island; and

WHEREAS, the parties agree to amend the terms of the Lease Agreement.

NOW THEREFORE, in consideration of the terms, covenants and conditions hereinafter set forth; the following paragraphs to Lease N6247498RP00P99 are hereby amended to reflect the following changes;

1. Paragraph 2 TERM, delete in its entirety and the following paragraph is inserted therefore:

"The term of this Lease shall be for a period of one (1) year beginning on 1 December 2013 and ending on 30 November 2014, unless sooner terminated in accordance with the provisions of Paragraph 14, Termination."

All other terms and conditions of the Lease Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have, on the respective dates set forth above duly executed this amendment to the Lease as of the day and year first above written.

UNITED STATES OF AMERICA

TREASURE ISLAND DEVELOPMENT
AUTHORITY

Title _____

Title _____

APPROVED AS TO FORM:

CITY ATTORNEY

CITY & COUNTY OF SAN FRANCISCO

TREASURE ISLAND DEVELOPMENT AUTHORITY
ONE AVENUE OF THE PALMS,
2ND FLOOR, TREASURE ISLAND
SAN FRANCISCO, CA 94130
(415) 274-0660 FAX (415) 274-0299
WWW.SFTREASUREISLAND.ORG



MIRIAN SAEZ
DIRECTOR OF ISLAND OPERATIONS

September 18, 2013

Ms. Angela Calvillo
Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2013 SEP 20 AM 11:45
AK

Dear Ms. *Calvillo*

The Treasure Island Development Authority ("TIDA") requests that the following six pieces of legislation be formally introduced at the Board of Supervisors and calendared for hearing and consideration of approval at the Boards earliest convenience:

- 130902*. Extension of the term of the Treasure Island South Waterfront Master Lease between TIDA and the United States Navy ("Navy").
- 130903*. Extension of the term and amendment of the Leased Premises of the Treasure Island Land and Structures Master Lease between TIDA and the Navy
- 130904*. Extension of the term of the Treasure Island Marina Master Lease between TIDA and the Navy
- 130905*. Extension of the term of the Treasure Island Childcare Center Master Lease between TIDA and the Navy
- 130906*. Extension of the term of the Treasure Island Events Venues Master Lease between TIDA and the Navy
- 130907*. Extension of the term of the Treasure Island Fire Fighting Training Center Master Lease between TIDA and the United States Navy

Please find enclosed one original and four copies of the materials for each item. Thank you for your attention to this matter. Should your office have any questions, please do not hesitate to contact me at 415-274-0669.

Sincerely,
Mirian Saez
Mirian Saez
Director of Island Operations

Cc: file
Enclosures