

1 [Mutual Lease Termination Agreement - Ferry Plaza Limited Partnership]

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3 **Resolution approving the mutual termination of Port Lease No. L-8627 between the Port**
4 **of San Francisco and Ferry Plaza Limited Partnership for the premises located at the**
5 **east end of Ferry Plaza and authorizing the Executive Director of the Port to execute a**
6 **Mutual Termination Agreement.**

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8 WHEREAS, California Statutes of 1968, Chapter 1333 (the "Burton Act") and Charter,
9 Sections 4.114 and B3.581 empower the Port Commission with the power and duty to use,
10 conduct, operate, maintain, manage, regulate, and control the Port area of the City and
11 County of San Francisco; and

12 WHEREAS, Ferry Plaza Limited Partnership is the current tenant under Port Lease No.
13 L-8627 (the "Lease") for the premises at the east end of Ferry Plaza, consisting of
14 approximately 34,659 square feet, of which 19,428 square feet is restaurant space; and

15 WHEREAS, The term of the Lease is 66 years, commencing December 1, 1974, and
16 expiring on November 30, 2040; and

17 WHEREAS, The Port and Ferry Plaza Limit Partnership now wish to agree on an
18 orderly early termination of the Lease on the terms of the Mutual Termination Agreement on
19 file with the Clerk of the Board of Supervisors (the "Mutual Termination Agreement"); and

20 WHEREAS, The Mutual Termination Agreement requires payment of outstanding rent
21 by Ferry Plaza Limited Partnership through December 31, 2020, the surrender of security
22 deposits to the Port, and includes other agreements relating to the release of claims and wind
23 down of the lease relationship; and

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1 WHEREAS, On April 13, 2021, through Resolution No. 21-14, the Port Commission
2 approved the Mutual Termination Agreement and authorized the Executive Director or her
3 designee to execute it; and

4 WHEREAS, San Francisco Charter, Section 9.118 requires Board of Supervisors'
5 approval of the termination of any lease which when entered into was for a period of ten or
6 more years or having anticipated revenue to the City of one million dollars or more; now,
7 therefore, be it

8 RESOLVED, That the Board of Supervisors approves the Mutual Termination
9 Agreement and authorizes the Port Executive Director or her designee to execute the Mutual
10 Termination Agreement; and, be it

11 FURTHER RESOLVED, That the Board of Supervisors authorizes the Executive
12 Director to enter into any additions, amendments or other modifications to the Mutual
13 Termination Agreement that the Executive Director, in consultation with the City Attorney,
14 determines, when taken as a whole, to be in the best interest of the Port, do not materially
15 increase the obligations or liabilities of the City or the Port, and are necessary or advisable to
16 complete the transactions which this Resolution contemplates and effectuate the purpose and
17 intent of this Resolution, such determination to be conclusively evidenced by the execution
18 and delivery by the Executive Director of such documents; and, be it

19 FURTHER RESOLVED, That within thirty (30) days of the Mutual Termination
20 Agreement being fully executed by all parties, the Port of San Francisco shall provide the final
21 agreement to the Clerk of the Board for inclusion into the official file.