

1 [80 Charter Oak Street Lease Amendment.]

2

3 **Resolution authorizing a Lease Amendment to extend the term for five years for real**  
4 **property at 80 Charter Oak Street for the San Francisco Municipal Transportation**  
5 **Agency.**

6

7 WHEREAS, The City, for the Department of Parking and Traffic ("DPT"), entered into a  
8 lease of approximately 11,000 square feet of industrial building plus outdoor yard at  
9 80 Charter Oak Street, which commenced on August 1, 1994 (the "Lease"); and,

10 WHEREAS, On February 4, 1999 the City exercised its option to extend the Lease for  
11 five years commencing August 1, 1999; and,

12 WHEREAS, On July 1, 2002 DPT became a part of the Municipal Transportation  
13 Agency ("SFMTA") through consolidation; and,

14 WHEREAS, The City's Real Estate Division negotiated a five-year extension of the  
15 Lease at fair market value, with a City right of termination at any time after two years; now,  
16 therefore, be it

17 RESOLVED, That in accordance with the recommendation of the Executive Director of  
18 the SFMTA and the Director of Property, the Board of Supervisor approves the Lease  
19 amendment extending the term for five years in substantially the form on file with the Clerk of  
20 the Board in File No. 090765 (the "Amendment"), authorizes the Director of Property to  
21 execute the Amendment, and authorizes City staff to take all actions on behalf of the City and  
22 County of San Francisco to perform the City's obligations and exercise the City's rights under  
23 the Lease as amended by the Amendment; and, be it

24

25

1 FURTHER RESOLVED, The City's Director of Property and the MTA Executive  
2 Director may terminate the Lease by providing the Landlord with 180 days' advance written  
3 notice, which notice may not to be served before February 1, 2011; and, be it

4 FURTHER RESOLVED, That the monthly base rent for the Lease will be \$0.80 per  
5 square foot per month (\$8,800), or \$105,600 per year, for the first two years. Commencing on  
6 August 1, 2011, the base rent shall be increased by 3% to \$9,064 per month; and, be it

7 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of  
8 Property to enter into any amendments or modifications to the Lease that the Director of  
9 Property determines, in consultation with the City Attorney and the Executive Director of the  
10 SFMTA, are in the best interest of the City, do not increase the rent or materially increase the  
11 obligations or liabilities of the City or materially reduce the benefits to the City, are necessary  
12 or advisable to effectuate the purposes of the Lease or this resolution, and are in compliance  
13 with all applicable laws, including City's Charter; and, be it

14 FURTHER RESOLVED, As set forth in the Lease, the City shall have the right to  
15 terminate the Lease pursuant to Section 3.105 of the Charter in the event rental payments are  
16 not appropriated in any fiscal year; and, be it

17 FURTHER RESOLVED, That any action taken by any City employee or official with  
18 respect to the Lease, as amended by the Amendment, is hereby ratified and affirmed.

19  
20 RECOMMENDED:

\$96,800 Available  
Index No. PTC045NGTF05,  
Sub Object. 03011

21  
22  
23  
24 \_\_\_\_\_  
Amy Brown  
Director of Property

\_\_\_\_\_

Ben Rosenfield  
Controller