

1 [BART/SFIA On-Airport Project Development Agreement Modification]

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3 **Resolution approving Modification No. 1 to the BART/SFIA On-Airport Project**
4 **Development Agreement, as it relates to the on-Airport portion of the BART to San**
5 **Francisco Airport Extension project, which is by and between the City and County of**
6 **San Francisco, acting by and through its Airport Commission (“SFIA”), and the Bay**
7 **Area Rapid Transit District (“BART”).**

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9 WHEREAS, The BART/SFIA On-Airport Project Development Agreement
10 (“Development Agreement”) provides the terms and conditions for construction of the on-
11 Airport portion of the BART to San Francisco Airport Extension project; and

12 WHEREAS, The Development Agreement provides that SFIA’s obligation to fund
13 Eligible Costs of the BART Fixed Facilities shall not exceed \$113 million, and to fund Eligible
14 Costs of the BART Operating Systems/12kV Line shall not exceed \$87 million; and

15 WHEREAS, On March 20, 1998, by Resolution No. 183-98, the Board of Supervisors
16 approved the Development Agreement; and

17 WHEREAS, SFIA and BART desire to modify the Development Agreement to
18 authorize the Airport Director to reallocate funding between the on-Airport BART Fixed
19 Facilities and the on-Airport BART Operating Systems; and

20 WHEREAS, This Modification No. 1 authorizes the Airport Director to reallocate
21 projected savings from the BART Operating Systems/12kV Line work to certain projected
22 overruns in the Eligible Costs of the BART Fixed Facilities; provided that in no event will
23 SFIA’s financial obligation for the On-Airport BART Project exceed \$200 million; and further
24 provided that the airlines’ repayment obligation for BART does not exceed the debt service on
25 \$113 million; and

1 WHEREAS, The Airport Commission approved this Modification by resolution on
2 July 3, 2001; now, therefore, be it

3 RESOLVED, Pursuant to San Francisco Charter Section No. 9.118, that the Board of
4 Supervisors hereby approves Modification No. 1 to the Development Agreement, a copy of
5 which is on file with the Clerk of the Board of Supervisors, in File No. _____,
6 which is hereby declared to be a part of this resolution as if set forth fully herein.

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