

1 [Real Property Lease Amendment - 720 Sacramento Street]

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3 **Resolution authorizing the amendment of the lease at 720 Sacramento Street for the**
4 **Department of Public Health to extend the term by one year.**

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6 WHEREAS, The City and County of San Francisco, a municipal corporation, is the
7 Tenant under the lease dated December 1, 1996, and executed on March 24, 1997 with KHC
8 Investment Company, as landlord (the "Lease"), authorized under Resolution 331-96, for the
9 premises located at 720 Sacramento Street (the "Premises") consisting of 9,250 sq. ft. for use
10 by the Department of Public Health; and

11 WHEREAS, Ridgeway Apartments, Inc. ("Landlord") is successor to the landlord's
12 interest in the Lease; and

13 WHEREAS, The City currently pays a base rent of \$18,645 per month (approximately
14 \$2.02 per square foot) for the Premises; and

15 WHEREAS, The Lease is scheduled to expire on June 30, 2012; and

16 WHEREAS, City and Landlord wish to extend the term of the Lease for an additional
17 one (1) year through June 30, 2013, under an amendment to the Lease substantially in the
18 form on file with the Clerk of the Board of Supervisors in File No. 120719 (the "Lease
19 Amendment"), at the current monthly rental rate of \$18,645; and

20 WHEREAS, That during the extended term, the Lease shall continue to include the
21 clause indemnifying, holding harmless, and defending Landlord and its agents from and
22 against any and all claims, costs and expenses, including without limitation, reasonable
23 attorneys' fees, incurred as a result of any default by the City in the performance of any of its
24 material obligations under the Lease, or any negligent acts or omissions of the City or its
25 agents, in, on, or about the Premises or the property on which the Premises are located,

1 excluding those claims, costs and expenses incurred as a result of the negligence or willful
2 misconduct of the Landlord or its agents; and

3 WHEREAS, The Lease Amendment is subject to enactment of a resolution by the
4 Board of Supervisors and the Mayor, in their respective sole and absolute discretion,
5 approving and authorizing such amendment; now, therefore, be it

6 RESOLVED, That in accordance with the recommendation of the Director of the
7 Department of Public Health and the Acting Director of Property, the Acting Director of
8 Property is hereby authorized to execute the Lease Amendment; and, be it

9 FURTHER RESOLVED, That all actions heretofore taken by any City employee or
10 official with respect to such Lease Amendment are hereby approved, confirmed and ratified;
11 and, be it

12 FURTHER RESOLVED, That the Board of Supervisors authorizes the Acting Director
13 of Property to enter into any amendments or modifications to the Lease Amendment that the
14 Acting Director of Property determines, in consultation with the City Attorney, are in the best
15 interest of the City, do not materially increase the rent or otherwise materially increase the
16 obligations or liabilities of the City, are necessary or advisable to effectuate the purposes of
17 the Lease Amendment, and are in compliance with all applicable laws, including the City
18 Charter; and, be it

19 FURTHER RESOLVED, That the City shall continue to occupy the Premises for the
20 extended term unless funds for the Department's rental payment are not appropriated at
21 which time the City may terminate the Lease with advance notice to Landlord. Said Lease
22 shall continue to be subject to certification as to funds by the Controller, pursuant to Section
23 6.302 of the City Charter.

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1 \$223,740 Available for FY2012-2013
2 Appropriation No. HMHMCB731943

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4 Controller, subject to the enactment of the FY 2012-2013 annual appropriation ordinance.

5 RECOMMENDED:

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8 Director, Department of Public Health

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10 Acting Director of Property
11 Real Estate Division

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