

1 [Temporary Access and Use Licenses Extension - FOCIL-MB, LLC, and ARE-San Francisco  
2 No. 15, LLC - Mission Bay South]

3 **Resolution retroactively approving exercise of options to extend two temporary access**  
4 **and use licenses through July 31, 2015, for access, use, maintenance, and operation of**  
5 **public infrastructure improvements at or near the intersection of Seventh Street and**  
6 **Mission Bay Drive in the Mission Bay South area.**

7  
8 WHEREAS, A portion of the land at or near the intersection of Seventh Street and  
9 Mission Bay Drive is owned in fee by FOCIL-MB, LLC, a Delaware limited liability company  
10 ("FOCIL"), and a portion of the land at or near such intersection is owned in fee by ARE-San  
11 Francisco No. 15, LLC, a Delaware limited liability company ("ARE"); and

12 WHEREAS, The City and County of San Francisco ("City") entered into an agreement  
13 with FOCIL, dated for reference purposes as of April 2, 2013, (the "FOCIL License"), a copy of  
14 which is on file with the Clerk of the Board of Supervisors in File No. 150007, pursuant to  
15 which FOCIL granted to the City a non-exclusive temporary license for the use of certain  
16 improvements and for access in, on and over certain real property owned by FOCIL located at  
17 or near the intersection of the Seventh Street and Mission Bay Drive, for public pedestrian and  
18 vehicular access by City and its officers, employees, agents, contractors, subcontractors, and  
19 invitees, including, without limitation, the general public, for sidewalk, street and roadway  
20 purposes; and

21 WHEREAS, The City also entered into an agreement with ARE, dated for reference  
22 purposes as of April 2, 2013, (the "ARE License"), a copy of which is on file with the Clerk of  
23 the Board of Supervisors in File No. 150007, pursuant to which ARE granted to the City a  
24 non-exclusive temporary license for access in, on and over certain real property owned by  
25 ARE located at or near the intersection of the Seventh Street and Mission Bay Drive, for

1 public pedestrian and vehicular access by City and its officers, employees, agents,  
2 contractors, subcontractors, and invitees, including, without limitation, the general public, for  
3 sidewalk, street and roadway purposes; and

4 WHEREAS, The term of the FOCIL License and the ARE License were each a period  
5 of one year, unless the applicable licensed improvements and licensed areas were accepted  
6 by the City prior to such date, as described in the licenses, and each license provides that the  
7 term of such license may be extended through action of the Board of Supervisors, as  
8 described in the licenses; and

9 WHEREAS, In DPW Order No. 183,201, dated December 23, 2014, a copy of which is  
10 on file with the Clerk of the Board of Supervisors in File No. 150007, the Director of the  
11 Department of Public Works recommended that the Board of Supervisors act to extend the  
12 FOCIL License and the ARE License through July 31, 2015, and designate the extension of  
13 the licenses as retroactive to their respective scheduled expiration dates, with no other  
14 changes to said licenses; and

15 WHEREAS, Such recommended actions are necessary to allow City access, use,  
16 maintenance and operation of certain permanent City improvements that are ready to be  
17 accepted by the City as described in the respective licenses; now, therefore, be it

18 RESOLVED, That this Board of Supervisors has reviewed and approves the Director of  
19 the Department of Public Works' recommendation contained in Department of Public Works  
20 Order No. 183,201, dated December 23, 2014; and, be it

21 FURTHER RESOLVED, That the Board of Supervisors does hereby approve the  
22 extension the FOCIL License and the ARE License through July 31, 2015, (unless terminated  
23 earlier by acceptance of the public infrastructure improvements and underlying real property,  
24 as provided in the licenses) and designates the extension of the licenses as retroactive to  
25 their respective scheduled expiration dates.