

1 [Real Property Lease - Sprint Spectrum, L.P. - 887 Potrero Avenue - \$69,600 Per Year Base
2 Rent]

3 **Resolution authorizing the lease of telecommunications facilities on the roof of**
4 **property located at 887 Potrero Avenue, with Sprint Spectrum, L.P., a Delaware limited**
5 **partnership, for an initial five-year term at a base rent of \$69,600 per year, to commence**
6 **upon approval by the Board of Supervisors and Mayor, in their respective sole and**
7 **absolute discretion.**

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9 WHEREAS, The Board of Supervisors passed and the Mayor signed Resolution No.
10 71-02 on February 8, 2002, on file with the Clerk of the Board of Supervisors in File No.
11 020047, authorizing a lease (“Original Lease”) of a telecommunications facility consisting of
12 approximately 189 square feet on the roof of 887 Potrero Avenue, commonly known as the
13 San Francisco General Hospital Mental Rehabilitation Facility (“Premises”) between the City
14 and County of San Francisco (“Landlord”) and Sprint Spectrum L.P., (“Tenant”); and

15 WHEREAS, The Original Lease became a month-to-month at will lease on August 28,
16 2012, and Tenant has continued to occupy the Premises; and

17 WHEREAS, Tenant warrants that it has acquired all licenses, permits, and other
18 approvals required for the operation of the Tenant’s telecommunication facilities; and

19 WHEREAS, The City, through its Real Estate Division and with consultation from the
20 Office of the City Attorney, and Tenant have negotiated the proposed Lease, which provides
21 an initial Base Rent of \$69,600 per year (\$5,800 per month) with Consumer Price Index
22 adjustment to Base Rent of no less than three (3) percent and no more than six (6) percent
23 annually on January 1 of each year; and

24 WHEREAS, The Tenant shall be responsible for all utilities and services for the use of
25 the telecommunications site within the Premises; now, therefore, be it

1 RESOLVED, That in accordance with the recommendation of the Director of Property,
2 that the Director of Property on behalf of the City, as Landlord, be and is hereby authorized to
3 take all actions necessary to execute the Lease (a copy of which is on file with the Clerk of the
4 Board of Supervisors in File No. _____) at 887 Potrero Avenue, in San Francisco,
5 California, at a Base Rent of \$69,600 per year, for a five year-term and one five year option;
6 and, be it

7 FURTHER RESOLVED, That the Director of Property shall be authorized to enter into
8 any additions, amendments or other modifications to the Lease that the Director of Property
9 determines, in consultation with the City Attorney, are in the best interests of the City, do not
10 materially increase the obligations or liabilities of the City, and are necessary or advisable to
11 complete the transaction and effectuate the purpose and intent of this resolution; and, be it

12 FURTHER RESOLVED, That the Lease contains language indemnifying and holding
13 harmless the Landlord, from and agreeing to defend the Landlord against any and all claims,
14 costs and expenses, including, without limitation, reasonable attorney's fees, incurred as a
15 result of City's use of the Premises, any default by the City in the performance of any of its
16 obligations under the Lease or any acts or omissions of city or its agents, in, on or about the
17 Premises or the property on which the Premises are located, including those claims, costs
18 and expenses incurred as a result of negligence or willful misconduct of Landlord or its
19 agents; and, be it

20 FURTHER RESOLVED, That the Board of Supervisors finds that competitive bidding
21 procedures for award of the Lease were impractical or impossible due to Federal law and
22 individual cellular company network needs; and, be it

23 FURTHER RESOLVED, That any action taken by the Director of Property and other
24 officers of the City with respect to the Lease are hereby approved, confirmed and ratified; and,
25 be it

1 FURTHER RESOLVED, That within thirty (30) days of the agreement being fully
2 executed by all parties, the Director of Real Estate shall provide the agreement to the Clerk of
3 the Board for inclusion into the official file.

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RECOMMENDED:

John Updike
Director of Real Estate

Barbara Garcia
Director of Public Health