

1 [Lease of Real Property at 68 12th Street, Suite 200B]

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3 **Resolution authorizing the Director of Property to exercise a three-year extension**
4 **option for a lease of real property located at 68 12th Street, Suite 200B, for the**
5 **Department of Public Health, Emergency Medical Services, effective retroactively to**
6 **July 1, 2007.**
7

8 WHEREAS, The City, on behalf of the Department of Public Health ("DPH"), entered
9 into a lease (the "Lease") with E & M No. 1 LLC, as Landlord, for the premises comprising
10 3,507 square feet located at 68 12th Street, Suite 200B; and,

11 WHEREAS, The initial 5-year term of the Lease commenced on June 15, 2002, and
12 contained a 5-year option term exercisable upon approval by the Board of Supervisors and
13 Mayor; and,

14 WHEREAS, The initial 5-year term of the Lease expired on June 30, 2007, and City
15 has been holding over under the holdover provision in the Lease while City negotiated with
16 Landlord to reduce the 5-year option term contained in the Lease to 3-years, which
17 Landlord agreed to on January 2, 2008; and,

18 WHEREAS, The under the Lease provisions, the fair market rental for the option
19 term has been established to \$8,293.66 per month for the term retroactive to July 1, 2007;
20 now, therefore, be it

21 RESOLVED, That in accordance with the recommendation of the Director of DPH
22 and the Director of Property, that the Director of Property is hereby authorized to take all
23 actions, on behalf of the City, to exercise the extension option under the Lease for a three
24 (3) year term commencing retroactively from July 1, 2007, and terminating June 30, 2010,
25 2010, on the terms and conditions herein, and, be it

1 FURTHER RESOLVED, That the monthly rent of \$8,293.66 is approved for the
2 option term retroactive to July 1, 2007, through June 30, 2010; and, be it

3 FURTHER RESOLVED, That City agrees to indemnify, defend and hold harmless
4 Landlord and its agents from and against any and all claims, costs and expenses,
5 including, without limitation, reasonable attorneys' fees, incurred as a result of (a) City's use
6 of the premises, (b) any default by City in the performance of any of its obligations under
7 this Lease, or (c) any negligent acts or omissions of City or its agents, in, on or about the
8 premises or the property; provided, however, City shall not be obligated to indemnify
9 Landlord or its agents to the extent any claim arises out of the active negligence or willful
10 misconduct of Landlord or its agents; and, be it

11 FURTHER RESOLVED, That any action taken by any City employee or official with
12 respect to the exercise of the extension option as set forth above is hereby ratified and
13 affirmed; and, be it

14 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
15 Property to enter into any amendments or modifications to the Lease (including without
16 limitation, the exhibits) that the Director of Property determines, in consultation with the City
17 Attorney, are in the best interest of the City, do not increase the rent or otherwise materially
18 increase the obligations or liabilities of the City, are necessary or advisable to effectuate the
19 purposes of the Lease or this resolution, and are in compliance with all applicable laws,
20 including City's Charter; and, be it

21 FURTHER RESOLVED, That City shall occupy the leased premises for the 3-year
22 option term commencing July 1, 2007, and expiring on June 30, 2010, unless funds for
23 rental payments are not appropriated in any subsequent fiscal year, at which time City may
24 terminate the Lease with written notice to Landlord pursuant to Section 3.105 of the Charter
25 of the City and County of San Francisco.

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3 RECOMMENDED:

\$25,383.92 Available
Index No. HCHPEEMSA-GF,
Subobject 03011

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5 _____
Director of Property

6 Controller

7 _____
8 Director,
Department of Public Health