

NOT FOR RECORDING
Director of Property
Real Estate Department
City and County of San Francisco
25 Van Ness Avenue, Suite 401
San Francisco, CA 94102

OFFER OF IMPROVEMENTS

(5M Project – Phase 2)

FC 5M M2 EXCHANGE, LLC, a Delaware limited liability company ("FC 5M M2") does hereby irrevocably offer to the CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation ("City") all of the public street and roadway improvements, public utility facilities and other ancillary improvements constructed or installed by or on behalf of FC 5M M2 pursuant to the Improvement Plans and Specifications prepared by BKF Engineer entitled "5M Project 434 Minna Street (M2 Building) and 44 Mary Street (Mary Court West)", dated May 10, 2019, on file with Public Works for Phase Two of the 5M Project.

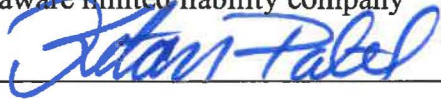
The property where the improvements are located is shown on the site plan attached as Exhibit A hereto, constituting property owned by the City, located in the City and County of San Francisco.

With respect to this offer of improvements, it is understood and agreed that: (i) upon acceptance of this offer of public improvements, the City shall own and be responsible for public facilities and improvements, subject to the maintenance obligation of fronting property owners or other permittees pursuant to the Public Works Code, including, but not limited to, Public Works Code Sections 706 and 786, and (ii) the City and its successors and assigns shall incur no liability or obligation whatsoever hereunder with respect to such offer of public improvements, and shall not assume any responsibility for the offered improvements, unless and until such offer has been formally accepted by the Director of Public Works or the Board of Supervisors and subject to any exception that may be provided in a separate instrument, such as a permit under Public Works Code Section 786, or other local law.

The provisions hereof shall inure to the benefit of and be binding upon the heirs, successors, assigns and personal representatives of the respective parties hereto.

IN WITNESS WHEREOF, the undersigned has executed this instrument this ____ day of November, 2019.

FC 5M M2 EXCHANGE, LLC,
a Delaware limited liability company

By: 

Name: Ketan Patel

Its: President

EXHIBIT A

SITE PLAN

