

FILE NO. 991392ORDINANCE NO. 244-99

1 [Japantown Garage Lease]

2 AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ACCEPT A GIFT OF \$550,000
 3 FROM THE CITY OF SAN FRANCISCO WESTERN ADDITION PARKING CORPORATION
 4 FOR THE RENOVATION OF THE PEACE PLAZA AT THE JAPANESE CULTURAL AND
 5 TRADE CENTER; APPROVING THE DISSOLUTION OF THE CITY OF SAN FRANCISCO
 6 WESTERN ADDITION PARKING CORPORATION AND ACCEPTING THE REMAINING
 7 ASSETS AND LIABILITIES OF SAID CORPORATION; APPROVING THE TRANSFER OF
 8 SAID ASSETS AND LIABILITIES TO THE JAPAN CENTER GARAGE CORPORATION;
 9 APPROVING THE FORM OF LEASE OF THE JAPANTOWN GARAGE TO THE JAPAN
 10 CENTER GARAGE CORPORATION; RATIFYING PREVIOUS ACTIONS TAKEN IN
 11 CONNECTION WITH THE FOREGOING MATTERS; AND AUTHORIZING THE TAKING OF
 12 APPROPRIATE ACTION IN CONNECTION THEREWITH.

13 Be it ordained by the People of the City and County of San Francisco:

14 Section 1. The Board of Supervisors hereby makes the following findings:

15 In April 1965 the City of San Francisco Western Addition Parking Corporation (the
 16 "Prior Corporation") issued its \$3,000,000 Prior Lien Bonds and its \$665,000 Subordinated
 17 Bonds (collectively, the "Bonds"); to finance the construction of a public parking garage
 18 commonly known as the Japantown Garage (the "Japantown Garage") pursuant to an
 19 Indenture of Trust dated April 1, 1965 (the "Indenture").

20 On April 1, 1965 the City leased the land on which the Japantown Garage was
 21 constructed to the Prior Corporation (the "Prior Lease").

22 On November 1, 1998 the Bonds issued by the Prior Corporation were paid and retired.

23 In accordance with said Prior Lease and the Indenture, the City intends to terminate the
 24 Prior Lease.

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DEPARTMENT OF PARKING AND TRAFFIC
 BOARD OF SUPERVISORS

1 The Prior Corporation, in accordance with its articles of incorporation, intends to
2 transfer all of its assets and liabilities to the City.

3 Prior to its dissolution the Prior Corporation intends to make a gift of \$550,000 to the
4 Department of Public Works for the improvement of the Japan Center Peace Plaza.

5 On September 24, 1998, articles of incorporation for the City of San Francisco Japan
6 Center Garage Corporation (the "Japan Center Corporation") were filed with the Secretary of
7 State for the State of California.

8 The Japan Center Corporation is a non-profit public benefit corporation formed for the
9 express purpose of assisting the City in the operation of the Japan Center Garage.

10 The Japan Center Corporation is substantially similar in organization and purpose to
11 the Prior Corporation.

12 The City will realize unique economic and other public benefits by entering into the
13 Lease with the Japan Center Corporation on a sole-source basis, without competitive bidding
14 or publication.

15 By Resolution No. 154-99-PTC on July 6, 1999 the Board of the Parking and Traffic
16 Commission (the "Parking Commission") of the City approved the form of Lease and Lease
17 Termination Agreement between the City and the Japan Center Corporation.

18 Section 2. The Board of Supervisors hereby authorizes the Department of Public
19 Works to accept the gift of \$550,000 from the Prior Corporation for renovations to the Peace
20 Plaza at the Japanese Cultural and Trade Center in the City.

21 Section 3. In accordance with the recommendation of the Parking Commission, the
22 Board of Supervisors hereby approves the form of the Lease Termination Agreement (the
23 "Lease Termination Agreement") to be executed by the City, a copy of which is on file with the
24 Clerk of the Board of Supervisors in File No. 991392. The Mayor of the City and
25 County of San Francisco (the "Mayor") is hereby authorized to execute the Lease Termination

DEPARTMENT OF PARKING AND TRAFFIC
BOARD OF SUPERVISORS

1 Agreement, in substantially the form presented to the Board of Supervisors, with such
2 modifications, changes or additions as the Mayor may make or approve in accordance with
3 Section 5 hereof.

4 Section 4. In accordance with Indenture and the Prior Lease, the Board of
5 Supervisors hereby accepts the assets and liabilities of the Prior Corporation listed on Exhibit
6 A attached hereto and hereby transfers all of said assets and liabilities to the Japan Center
7 Corporation.

8 Section 5. In accordance with the recommendation of the Parking Commission, the
9 Board of Supervisors hereby approves the form of the Lease of the Japan Center Garage (the
10 "Lease") from the City to the Japan Center Corporation to be executed by the City, a copy of
11 which is on file with the Clerk of the Board of Supervisors in File No. 991392. The
12 Mayor of the City and County of San Francisco (the "Mayor") is hereby authorized to execute
13 the Lease, in substantially the form presented to the Board of Supervisors, with such
14 modifications, changes or additions as the Mayor may make or approve in accordance with
15 Section 5 hereof.

16 Section 6. The Board of Supervisors hereby waives any competitive bidding or other
17 requirements applicable to the Lease under the provisions of Section 7.403 of the City's
18 (former) Charter of 1932, which provisions were incorporated in the City's Administrative Code
19 as an uncodified ordinance in connection with the City's Charter Amendment of 1996.

20 Section 7. The authorizations and approvals contained in this Ordinance shall be
21 deemed approvals pursuant to Section 9.118 of the Charter of the City related to contracts
22 with revenues of greater than one million dollars or for a term in excess of ten years.

23 Section 8. The Mayor and the Executive Director of the Department of Parking and
24 Traffic (the "Director") are hereby authorized to approve, direct and make such modifications,
25 changes or additions to the Lease and the Lease Termination Agreement, upon consultation

1 with the City Attorney, as may be necessary or desirable and in the interests of the City, and
2 which changes do not materially increase the obligations of the City under the Lease or the
3 Lease Termination Agreement, such approval to be conclusively evidenced by the execution
4 and delivery by the Mayor of the Lease and the Lease Termination Agreement.

5 Section 9. The Mayor, the City Attorney, the Director, the Clerk of the Board of
6 Supervisors and other officers of the City and their duly authorized deputies and agents are
7 hereby authorized, jointly and severally, to execute and deliver such certificates, requests or
8 other documents as they may deem necessary or desirable to facilitate and to otherwise carry
9 out the provisions of this Ordinance.

10 Section 10. All actions authorized and directed by this Ordinance and heretofore
11 taken are hereby ratified, approved and confirmed by the Board of Supervisors.

12
13 RECOMMENDED:

14 PARKING AND TRAFFIC COMMISSION

15
16 By: SEE FILE FOR SIGNATURE

17 CONTROLLER

18
19 By: SEE FILE FOR SIGNATURE

20
21 APPROVED AS TO FORM

22 LOUISE H. RENNE, City Attorney

23
24 By: 
25 DAVE ANGELO SANCHEZ
Deputy City Attorney

DEPARTMENT OF PARKING AND TRAFFIC
BOARD OF SUPERVISORS



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 991392

Date Passed:

Ordinance authorizing the Department of Public Works to accept a gift of \$550,000 from the City of San Francisco Western Addition Parking Corporation for the renovation of the Peace Plaza at the Japanese Cultural and Trade Center; approving the dissolution of the City of San Francisco Western Addition Parking Corporation and accepting the remaining assets and liabilities of said corporation; approving the transfer of said assets and liabilities to the Japan Center Garage Corporation; approving the form of lease of the Japantown Garage to the Japan Center Garage Corporation; ratifying previous actions taken in connection with the foregoing matters; and authorizing the taking of appropriate action in connection therewith.

August 23, 1999 Board of Supervisors — PASSED, ON FIRST READING

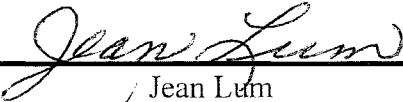
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

September 13, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 9 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng
Absent: 2 - Yaki, Yee

File No. 991392

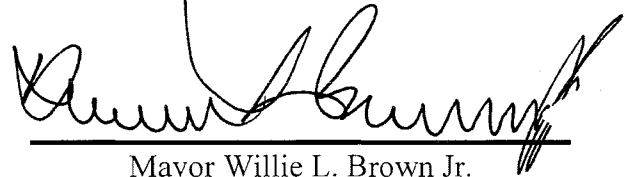
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on September 13,
1999 by the Board of Supervisors of the City
and County of San Francisco.



Jean Lum
Acting Clerk of the Board

SEP 22 1999

Date Approved



Mayor Willie L. Brown Jr.