

1 [First Amendment Lease with Theatre Bay Area]
2 Resolution approving and authorizing a First Amendment to Lease
3 with Theatre Bay Area, a California nonprofit public benefit
4 corporation, related to certain ticket kiosk premises located on
5 Union Square, San Francisco, allowing for the lessee to vacate
6 the original ticket kiosk premises, relocate temporarily to
7 other premises and consent to the demolition of the original
8 kiosk improvements; and authorizing and ratifying the execution
9 and delivery by the General Manager of the Recreation and Parks
10 Department of the First Amendment and any related documents, and
11 the taking of such actions by said General Manager as may be
12 necessary in furtherance of this resolution.

13
14 WHEREAS, The City and County of San Francisco, a municipal
15 corporation acting by and through the Recreation and Park
16 Commission, as lessor (collectively, the "City"), and Theatre
17 Bay Area, a California nonprofit public benefit corporation, as
18 lessee (the "Lessee") entered into that certain lease for the
19 Kiosk Property at Union Square dated to be effective as of
20 December 1, 1992 (as amended the "Lease") for the use and
21 occupancy of a ticket booth kiosk (the "Original Kiosk
22 Improvements") located on the eastern side of Union Square ("The
23 Original Kiosk Premises); and,

24 WHEREAS, The City and County of San Francisco, acting
25 through its Department of Parking and Traffic, as lessor, and

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1 the City of San Francisco Uptown Parking Corporation, a
2 California nonprofit public benefit corporation, as lessee
3 ("Uptown") also previously entered into that certain Union
4 Square Public Parking Garage Lease dated as of May 1, 1999 (the
5 "Garage Lease") for the use and occupancy of certain real
6 property with improvements

7 WHEREAS, The Board of Supervisors previously approved the
8 issuance by Uptown of parking revenue bonds in connection with
9 the construction of improvements to and renovation of the
10 Garage and the surface area of Union Square (the "Renovation")
11 pursuant to Ordinance No. 34-99, a copy of which is on file with
12 the Clerk of the Board of Supervisors in File No. 98213 and
13 which ordinance is incorporated herein by this reference; and,

14 WHEREAS, in connection with the Renovation of Union Square,
15 Lessee agreed to vacate the Original Kiosk Premises, relocate to
16 temporary premises to be located in the Garage, and consent to
17 the demolition of the Original Kiosk Improvements, pursuant to
18 the terms and conditions of the First Amendment to Lease between
19 City and Lessee dated for reference purposes as of March 26,
20 2001 (the "First Amendment"), and

21 WHEREAS, The Recreation and Park Commission has reviewed
22 and approved the First Amendment and recommended approval of the
23 First Amendment by the Board of Supervisors pursuant to
24 Resolution No. 0103-034 adopted March 20, 2001 by the Recreation
25 and Park Commission; now therefore, be it

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1 RESOLVED, That the Board of Supervisors hereby approves
2 the First Amendment between the City and the Lessee and the
3 transaction contemplated thereby and hereby authorizes the

4 execution of the First Amendment and ratifies any action
5 previously taken in connection therewith by the General Manager
6 ("General Manager") of the Recreation and Parks Department, in
7 the name and on behalf of the City, in substantially the form of
8 such agreement presented to this Board; and, be it

9 FURTHER RESOLVED, That the Board of Supervisors authorizes
10 the General Manager to take such other action (including,
11 without limitation, the execution and delivery of certificates,
12 agreements, consents, and other documents or instruments) that
13 the General Manager determines are in the best interests of the

14 City, do not materially increase the obligations or liabilities
15 of the City, and are necessary or advisable to complete the
16 transaction contemplated in the First Amendment and effectuate
17 the purpose and intent of this resolution, such determination to
18 be conclusively evidenced by the execution and delivery by the
19 General Manager of the First Amendment, and any such other
20 related documents or instruments.

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City and County of San Francisco

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

Tails Resolution

File Number: 010686

Date Passed:

Resolution approving and authorizing a First Amendment to Lease with Theatre Bay Area, a California nonprofit public benefit corporation, related to certain ticket kiosk premises located on Union Square, San Francisco, allowing for the lessee to vacate the original ticket kiosk premises, relocate temporarily to other premises and consent to the demolition of the original kiosk improvements; and authorizing and ratifying the execution and delivery by the General Manager of the Recreation and Parks Department of the First Amendment and any related documents, and the taking of such actions by said General Manager as may be necessary in furtherance of this resolution.

April 23, 2001 Board of Supervisors — SEVERED FROM FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA

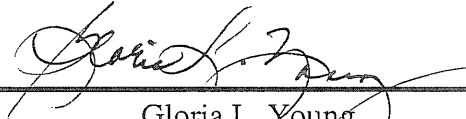
April 23, 2001 Board of Supervisors — REFERRED: Finance Committee

May 14, 2001 Board of Supervisors — ADOPTED

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

File No. 010686

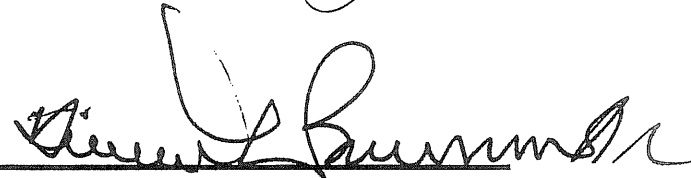
I hereby certify that the foregoing Resolution was ADOPTED on May 14, 2001 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

MAY 25 2001

Date Approved



Mayor Willie L. Brown Jr.