

Resolution 12-09

of the

San Mateo County Harbor District

A Resolution Determining Satisfaction of Conditions to Effectiveness of Consent to Assignment and Amendment of the King Ventures Leases at Oyster Point Marina/Park

WHEREAS, on February 4, 2009, the San Mateo County Harbor District approved the following amendments to and assignments of the King Ventures Leases at Oyster Point Marina/Park:

Consent to Assignment and Amendment of the Parcel B Ground Lease

Consent to Assignment and Amendment of the Parcel C Ground Lease

Consent to Assignment and Amendment of the Parcel D-1 Ground Lease

Consent to Assignment and Amendment of the Parcel E, E-1, E-2, E-3 and E-4 Ground Lease; and

WHEREAS, these amendments and assignments shall become effective only upon the occurrence of certain conditions, including consent to the amendments and assignments by the California Department of Boating and Waterways; and

WHEREAS, condition (ii) of each of the amendments and assignments provides that the City of South San Francisco and the South San Francisco Recreation and Park District shall have executed a joinder to each of the amendments and assignments for purposes of approving the amendments and assignments; and

WHEREAS, condition (iii) of each of the amendments and assignments provides as follows: "the City shall have approved the Memorandum of Understanding as contemplated in the Framework Agreement approved by the City by resolution #110-2008 on November 12, 2008;" and

WHEREAS, on May 13, 2009, the City of South San Francisco adopted Resolution No. 37-2009 and the South San Francisco Redevelopment Agency adopted Resolution No. 14-2009 approving the Memorandum of Understanding for Redevelopment of Oyster Point Marina; and

WHEREAS, on May 20, 2009, the City of South San Francisco adopted Resolution No.37-2009 and the South San Francisco Recreation and Park District adopted Resolution No. 01-2009 approving the joinder to each of the amendments and assignments for purposes of approving the amendments and assignments; and

WHEREAS, the San Mateo County Harbor District has reviewed the Memorandum of Understanding for Redevelopment of Oyster Point Marina, and determined that it is acceptable to the District; and

WHEREAS, pursuant to Resolution No. 09-09 approved contemporaneously herewith, the San Mateo County Harbor District authorized the District to enter into a memorandum of understanding with the City of South San Francisco with respect to the relationships between the City and the District, and in support of the implementation of the Memorandum of Understanding for Redevelopment of Oyster Point Marina.

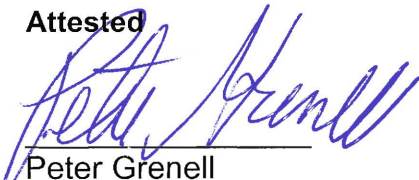
NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. City of South San Francisco Resolutions No. 37-2009, South San Francisco Redevelopment Agency Resolution No. 14-2009, and South San Francisco Recreation and Park District Resolution No. 01-2009 fully satisfy conditions (ii) and (iii) in the Consent to Assignment and Amendment of the Parcel B Ground Lease, the Consent to Assignment and Amendment of the Parcel C Ground Lease, the Consent to Assignment and Amendment of the Parcel D-1 Ground Lease, and the Consent to Assignment and Amendment of the Parcel E, E-1, E-2, E-3 and E-4 Ground Lease.


Adopted this 27th day of May, 2009 at the regular meeting of the Board of Harbor Commissioners by a recorded vote as follows:

For: *Lungie, Parravano, Ivaker, Padreddii*
Against: *None*
Abstaining: *None*
Absent: *Campbell*

Attested


Peter Grenell
Acting Deputy Secretary

DISTRICT


Leo Padreddii
President