

# Resolution 01-09

of the

## San Mateo County Harbor District

**To Supersede Resolution 34-07 To Approve a Lease Agreement with San Francisco Bay Area Water Emergency Transportation Authority for Construction and Operation of Oyster Point Marina Ferry Terminal at No Cost to the District and Authorize Lease Execution by the General Manager**

**Whereas**, the San Mateo County Harbor District (District) operates Oyster Point Marina/Park in the City of South San Francisco (City), San Mateo County for the City, and the San Francisco Bay Area Water Emergency Transportation Authority (WETA) desires to construct and operate the Oyster Point Marina Ferry Terminal (Terminal); and

**Whereas**, WETA desires to enter into a Lease Agreement with the District to construct and operate the Terminal, and which provides for WETA to make a one-time lump sum payment to the State Department of Boating and Waterways (DBW) of three million six hundred sixty thousand dollars (\$3,660,000) which DBW shall allocate to reducing the District's outstanding loan principal balance; and

**Whereas**, the WETA Lease provides for the City to reimburse the District in the amount of one million three hundred forty-thousand dollars (\$1,340,000) for costs incurred by District for breakwater reconfiguration and dredging for the Terminal; and

**Whereas**, the WETA Lease requires that WETA assume all financial, contractual and other legal obligations and responsibilities of its predecessor agency, the San Francisco Bay Area Water Transit Authority (WTA); and

**Whereas**, it is understood by all parties that the City and DBW must approve the terms and conditions of the Lease;

**Therefore, be it resolved** that the Board of Harbor Commissioners hereby approves the lease document attached hereto and incorporated by reference herein, and does hereby adopt this Resolution 01-09.

Approved this 17<sup>th</sup> day of June, 2009 at the regular meeting of the Board of Harbor Commissioners by a recorded vote as follows:

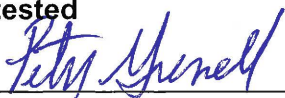
For: Campbell, Lundie, Tucker, Padreddii

Against: None

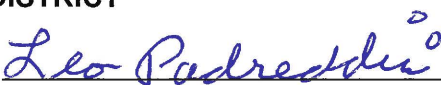
Abstaining: None

Absent: Parravano

**Attested**

  
\_\_\_\_\_  
Peter Grenell  
Acting Deputy Secretary

**DISTRICT**

  
\_\_\_\_\_  
Leo Padreddii  
President

RECORDING REQUESTED BY, AND )  
WHEN RECORDED MAIL TO: )  
 )  
Nossaman LLP )  
50 California St., 34<sup>th</sup> Floor )  
San Francisco, CA 94111 )  
Attention: Danielle S. Gensch, Esq. )  
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### MEMORANDUM OF LEASE

This Memorandum of Lease (“**Memorandum**”) is made as of \_\_\_\_\_, 2009 by and between San Francisco Bay Area Water Emergency Transportation Authority (“**Tenant**”), San Mateo County Harbor District (“**Landlord**”) and the City of South San Francisco (“**City**”, and collectively with Tenant and Landlord, the “**Parties**”).

#### RECITALS

A. Landlord, Tenant and City have entered into that certain Amended and Restated Ground Lease and License dated \_\_\_\_\_, 2009 (the “**Lease**”) for the real property (the “**Real Property**”) described on Exhibit A, attached hereto and made a part hereof.

B. As of November 10, 2026, City will succeed to Landlord as landlord under the Lease, pursuant to the terms of a separate Joint Powers Agreement dated as of November 11, 1977 by and between Landlord and City.

B. Landlord and Tenant desire to execute this Memorandum to provide constructive notice of Tenant’s rights under the Lease to all third parties.

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, the Parties hereto agree as follows:

1. Lease. Landlord hereby leases the Real Property to Tenant, and Tenant leases the Real Property from Landlord, for a term of fifty-five years (the “**Term**”), subject to all the terms and conditions of the Lease. This lease of the Real Property is pursuant to the Lease, which is incorporated in this Memorandum by reference.

2. No Options to Extend. There are no options to extend the Term of the Lease.

3. Miscellaneous. This Memorandum is executed and recorded for the purpose of providing record notice of execution, delivery and existence of the Lease. This Memorandum shall not supersede or in any way modify the terms or conditions of the Lease and in the event of any conflict between any term or provision of the Lease and this Memorandum, the applicable term or provision of the Lease shall control.

4. Severability. If any term or provision of this Memorandum is, to any extent, held to be invalid or unenforceable, the remainder of this Memorandum will not be affected, and each term or provision of this Memorandum will be valid and be enforced to the fullest extent permitted by law. If the application of any term or provision of this Memorandum to any person or circumstances is held to be invalid or unenforceable, the application of that term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, will not be affected, and each term or provision of this Memorandum will be valid and be enforced to the fullest extent permitted by law.

5. Counterparts. This memorandum may be executed in any number of counterparts, each of which is deemed to be an original but all of which shall constitute one instrument.

IN WITNESS WHEREOF, the Parties have executed this Memorandum as of the day and year first above-written.

**TENANT:**

**SAN FRANCISCO BAY AREA WATER EMERGENCY  
TRANSPORTATION AUTHORITY**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**LANDLORD:**

**SAN MATEO COUNTY HARBOR DISTRICT**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**CITY:**

**CITY OF SOUTH SAN FRANCISCO**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**ACKNOWLEDGMENT OF TENANT**

State of California            )  
  )  
County of \_\_\_\_\_)

On \_\_\_\_\_ before me, \_\_\_\_\_, a notary public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)

**ACKNOWLEDGMENT OF LANDLORD**

State of California            )  
  )  
County of \_\_\_\_\_)

On \_\_\_\_\_ before me, \_\_\_\_\_, a notary public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)

**ACKNOWLEDGEMENT OF CITY**

State of California        )  
  )  
County of \_\_\_\_\_)

On \_\_\_\_\_ before me, \_\_\_\_\_, a notary public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)

**LEGAL DESCRIPTION**

Real property in the City of South San Francisco, County of San Mateo, State of California, described as follows:

**PARCEL ONE:**

BEGINNING at a point which bears South 1 deg. 32' 46" East 25.0 feet and North 88 deg. 27' 14" East 7.29 feet from the Southeasterly corner of that 0.146 acre parcel of land acquired by Wildberg Brothers, a description of which was recorded March 9, 1923 in Book 66 of Official Records at Page 381, San Mateo County Records.

Thence from said point of beginning North 55 deg. 58' 26" East 197.35 feet; thence North 40 deg. 58' 30" East 168.65 feet; thence North 34 deg. 50' 00" East 93.02 feet; thence North 46 deg. 04' 00" East 266.64 feet; thence North 119.67 feet; thence North 39 deg. 45' 00" West 94.46 feet to a point in the dividing line between Tide Lots 7 and 26 produced Westerly; thence due East along said production 218.97 feet to the Northwesterly corner of Tide Lot 7; thence the following courses and distances along the Northwesterly and Westerly line of Tide Lot 7; South 30 deg. 45' West 50.82 feet; South 15 deg. 45' 00" East 198.00 feet; South 48 deg. 30' West 76.56 feet; North 85 deg. 00' West 69.96 feet; South 29 deg. 15' 00" West 198.00 feet; South 11 deg. 15' 00" West 112.20 feet; thence South 56 deg. 15' 00" West 112.20 feet; South 5 deg. 45' 00" West 297.00 feet; South 57 deg. 30' 00" East 97.02 feet; South 15 deg. 15' 00" East 149.82 feet; South 56 deg. 15' 00" West 264.28 feet to a point in the Easterly line of the lands of the South San Francisco Belt Railway, a corporation; thence leaving the line of Tide Lot 7, on and along the Northeasterly line of the South San Francisco Belt Railway, a corporation, on the arc of a curve to the left a radial line through the last mentioned point bears North 85 deg. 04' 53" West, having a radius of 610.26 feet; a distance of 16.55 feet to a point; thence North 86 deg. 38' 07" West a distance of 55.00 feet to a point which bears South 86 deg. 38' 07" East 45.00 feet from survey line Station "A" 10400 as said survey line is described in Parcel 1 of that certain Deed recorded December 8, 1928 in Book 384 of Official Records at Page 289, San Mateo County Records; a radial line through the last mentioned point bears North 86 deg. 38' 07" West; thence on the arc of a curve to the left with a radius of 555.26 feet, a distance of 169.23 feet to a point; thence leaving the lands of the South San Francisco Belt Railway, a corporation, North 12 deg. 51' 00" East 118.12 feet; thence on the arc of a compound curve to the left tangent to the last mentioned course at the last mentioned point with a radius of 200 feet; a distance of 148.59 feet to a point; a radial line through the last mentioned point bears South 60 deg. 17' West; thence on the arc of a curve to the left, with a radius of 275 feet, a distance of 180.47 feet to a point; a radial line at the last mentioned point bears South 22 deg. 41' West; thence on the arc of curve to the left with a radius of 100 feet, a distance of 42.29 feet to the point of beginning; a radial line through the last mentioned point bears South 1 deg. 32' 46" East.

**PARCEL TWO:**

An easement appurtenant to Parcel One above, for roadway purposes with the right of ingress and egress over a strip of land generally 25 feet in width lying contiguous to and adjoining the Northwesterly and Southwesterly line of Parcel One above described, said strip of land being more particularly described as follows:

BEGINNING at the Northwesterly corner of Parcel One as herein described; thence from said corner South 39 deg. 45' 00" East 94.46 feet to a point; thence South 119.67 feet to a point; thence South 46 deg. 04' 00" West 266.64 feet to a point; thence South 34 deg. 50' 00" West 93.02 feet to a point; thence South 40 deg. 58' 30" West 168.65 feet to a point; thence South 55 deg. 58' 26" West 197.35 feet to a point; thence on the arc of a compound curve to the right, a radial line through the last mentioned point bears South 1 deg. 32' 46" East, with a radius of 100 feet; a distance of 42.29 feet to a point; a radial line through the last mentioned point bears South 22 deg. 41' West; thence on the arc of a curve to the right with a radius of 275 feet a distance of 180.47 feet to a point; a radial line through the last mentioned point bears South 60 deg. 17' West; thence on the arc of a curve to the right with a radius of 200 feet, a distance of 148.59 feet to a point, a radial line at the last mentioned point bears North 77 deg. 09' West; thence on the arc of a curve to the right with a radius of 200 feet, a distance of 148.59 feet to a point, a radial line at the last mentioned point bears North 77 deg. 09' West; thence tangent to the last mentioned curve South 12 deg. 51' West 118.12 feet to a point in the Northeasterly line of the lands of the South San Francisco Belt Railway, a corporation; thence on and along the lands of the South San Francisco Belt Railway on the arc of a curve to the left; a radial line through the last mentioned point bears South 75 deg. 54' 10" West, with a radius of 555.26 feet, a distance of 50.68 feet to a point; thence leaving the line of said lands North 12 deg. 51' East 74.05 feet to a point; thence on the arc of a compound curve to the left, tangent to the last mentioned course with a radius 175 feet, a distance of 130.01 feet to a point; a radial line through the last mentioned point bears South 60 deg. 17' West; thence on the arc of a curve to the left with a radius of 250 feet, a distance of 164.06 feet to a point; a radial line through the last mentioned point bears South 22 deg. 41' West; thence on the arc of a curve to the left with a radius of 75 feet, a distance of 31.72 feet to a point thence tangent to the last mentioned curve South 88 deg. 27' 14" West 8.63 feet to a point in the Easterly line of the lands of the South San Francisco Belt Railway, a corporation; thence along said lands North 50.0 feet to the Southeasterly corner of that 0.146 acre parcel of land acquired by Wildberg Brothers, a description of which was recorded March 9, 1923 in Book 66 of Official Records at Page 381, San Mateo County Records; thence North 55 deg. 58' 26" East 186.77 feet to a point; North 40 deg. 58' 30" East 164 feet to a point; thence North 34 deg. 50' 00" East 94.14 feet to a point; North 46 deg. 04' 00" East 258.47 feet to a point; thence North 100.00 feet to a point; thence North 39 deg. 45' 00" West 106.22 feet to a point in the dividing line between Tide Lots 7 and 26 produced Westerly; thence along said line East 32.52 feet to the point of beginning.

PARCEL THREE:

All that certain lot or parcel of land situate in said City of South San Francisco and bounded by the following described line:

BEGINNING at a point which bears West 32.52 feet from the Northwesterly corner of Parcel One above described; thence South 39 deg. 45' 00" East 106.22 feet to a point; thence South 100.00 feet to a point; thence South 46 deg. 04' 00" West 138.86 feet to a point; thence North 278.01 feet to a point in the dividing line between Tide Lots 7 and 26 produced Westerly; thence along said dividing line East 32.08 feet to the point of beginning.

PARCEL FOUR:

BEGINNING at the Northwesterly corner of Parcel A as said parcel is described in that certain Deed from South San Francisco Land and Improvement Company to City of South San Francisco, dated January 27, 1948 and recorded February 19, 1948 in Book 1462 of Official Records of San Mateo County, California, at Page 2 (15916-H); thence South 39 deg. 45' 55" East (called South 3 deg. 45' East in aforesaid deed) along the Westerly line of said Parcel A a distance of 94.46 feet;



thence South 0 deg. 0' 55" East 119.67 feet; thence South 46 deg. 03' 05" West 58.52 feet; thence leaving said Westerly line of Parcel A along a curve to the left from a tangent which bears South 74 deg., 38' 51" West; with a radius of 205.00 feet, a central angle of 26 deg. 37' 51", an arc distance of 95.30 feet; thence leaving said curve North 0 deg. 0' 55" West 0.17 feet to the Southwesterly corner of Parcel B as said parcel as described in above mentioned Deed from South San Francisco Land and Improvement Company dated January 27, 1948; thence along the Easterly side of said Parcel B North 46 deg. 03' 05" (called North 46 deg. 04' East in aforesaid deed) 138.86 feet; thence North 0 deg. 05' 55" West 100.00 feet; thence North 39 deg. 45' 55" West 106.22 feet to the Northwesterly corner of said Parcel B; thence North 89 deg. 59' 05" East along the Westerly production of the line dividing Tide Lots 7 and 26 a distance of 32.52 feet to the point of beginning.

**PARCEL FIVE:**

Tide Lots 5, 6 and 7, Section 23, Township 3 South, Range 5 West, M.D.B.7M. acquired by South San Francisco Land and Improvement Company, by Deed recorded June 22, 1911 in Book 189 of Deeds at Page 451, San Mateo County Records.

BEING Tide Lots 5, 6 and 7 as shown on that certain map entitled "Map No. 1 of Salt Marsh and Tide Lands Situate in the County of San Mateo, State of California, Prepared by Order of the Board of Tide Land Commissioners Under the Authority and in Accordance with the Provisions of an Act Entitled "An Act Supplementary to and Amendatory of an Act Entitled "An Act to Survey and Dispose of Certain Salt Marsh and Tide Lands Belonging to the State of California", Approved March Thirtieth, Eighteen Hundred and Sixty Eight", approved April 1, 1870.

**PARCEL SIX:**

All that certain real property situate in the City of South San Francisco, County of San Mateo, State of California, described as follows:

BEGINNING at a point on the Northerly line of the lands described in the Deed from Mary Barrett Carter, a single woman, to South San Francisco Scavenger Co., a partnership, dated June 2, 1959 and recorded June 8, 1959 in Book 3615 of Official Records at Page 541 (56465-R), which point bears South 45.19 feet and North 88 deg. 27' 14" East 538.17 feet from a 6 inch granite monument set 660 feet South of the corner common to Sections 14, 15, 22 and 23, Township 3 South, Range 5 West, Mount Diablo Base and Meridian, said monument being distant 12 feet North from the Southwesterly corner of the lands described in the Deed from South San Francisco Land and Improvement Company, a California corporation, to Irving I. Wildberg, Arthur A. Wildberg and Leopold Oppenheimer, Copartners, doing business under firm name and style of Wildberg Bros., dated March 8, 1923 and recorded March 9, 1923 in Book 66 of Official Records at Page 381 (2569-A); thence from said point of beginning along the general Westerly line of the lands described in Parcel "A" of the Deed from South San Francisco Land and Improvement Company, a corporation, to City of South San Francisco, a municipal corporation, dated January 27, 1948 and recorded February 19, 1948 in Book 1462 of Official Records at Page 2 (15916-H), the following courses and distances: Northeasterly and Southeasterly along a curve to the right from a tangent which bears North 88 deg. 27' 19" East having a radius of 100 feet, a central angle of 24 deg. 13' 46" and an arc length of 42.29 feet to a point compound curve, a tangent at said last mentioned point bearing South 67 deg. 19' East; Southeasterly along a curve to the right having a radius of 275 feet, a central angle of 37 deg. 36' and an arc length of 180.47 feet to a point of compound curve, Southeasterly and Southerly along a curve to the right having a radius of 200 feet, a central angle of 42 deg. 34' and an arc length of 148.59 feet and tangent to the preceding curve South 12 deg. 51' West 118.21 feet to the Southeasterly corner of the lands

described in the above mentioned Deed from Mary Barrett Carter to the South San Francisco Scavenger Co.; thence South 75 deg. 54' 08" West along the Southerly line of the lands described in the last mentioned Deed, 25.16 feet to a point in the Easterly line of Lot 29, Block 16 of "South San Francisco Industrial Park Unit No. 3", as said Lot and Block are shown on that certain map recorded in Book 49 of Maps at Pages 25, 26, 27 and 28 in the office of the Recorder of the County of San Mateo, State of California; thence Northerly along said Easterly line of said Lot 29 and its Northwesterly prolongation along a curve to the left having a tangent bearing of North 14 deg. 04' 32" West, a radius of 530.26 feet, a central angle of 41 deg. 39' 55" and an arc length of 385.60 feet to the Northwesterly line of the lands described in Parcel "D" of the Deed from Southern Pacific Company, a Delaware corporation, to Utah Construction and Mining Company, a corporation, dated July 14, 1958 and recorded July 17, 1958 in Book 3425 of Official Records at Page 381 (58567-Q); thence along the Northwesterly line of said last mentioned lands along a curve to the right having a tangent bearing of North 49 deg. 17' 56" East, a radius of 195.19 feet, a central angle of 6 deg. 11' 23" and an arc length of 21.09 feet and tangent to the preceding curve North 55 deg. 29' 19" East 56.44 feet to the Northerly corner of said Parcel "D"; thence North 35.68 feet to a point which is distant South 25.00 feet from the Southeasterly corner of the lands described in the above mentioned Deed recorded March 9, 1923 in Book 66 of Official Records of San Mateo County at Page 381 (2569-A); thence North 88 deg. 27' 14" East 7.96 feet to the point of beginning.

PARCEL SEVEN:

The following Tide Lots, as shown on that certain map entitled "Map No. 1 of Salt Marsh and Tide Lands, Situate in the County of San Mateo, State of California, Prepared by Order of the Board of Tide Land Commissioners Under the Authority and in Accordance with the Provisions of an Act Entitled "An Act Supplementary to and Amendatory of an Act Entitled "An Act to Survey and Dispose of Certain Salt Marsh and Tide Lands Belonging to the State of California, Approved March Thirtieth, Eighteen Hundred and Sixty Eight", approved April 1, 1870."

Tide Lots 28, 29 and 30 in Section 14, Township 3 South, Range 5 West, Mount Diablo Base and Meridian.

Tide Lots 3, and 4 in Section 23, Township 3 South, Range 5 West, Mount Diablo Base and Meridian.

PARCEL EIGHT:

A 100.00 foot wide easement for depositing fill material and the installation of a temporary debris fence for the South San Francisco Marina; the center line of which is described as follows:

From the Northeasterly corner of Tide Lot 12, Section 23, Township 3 South, Range 5 West, M.D.B.M., as shown on that certain map entitled "Map No. 1 of Salt Marsh and Tide Lands Situate in the County of San Mateo, State of California", prepared by order of the Board of Tide Land Commissioners under the authority and in accordance with the provisions of an act entitled "An Act Supplementary to and Amendatory of an Act Entitled An Act and Survey and Disposal of Certain Salt Marsh and Tide Lands Belonging to the State of California Approved March 30th 1868 Approved April 1, 1870"; and further described in that Deed dated January 27th, 1948, conveying title from the South San Francisco Land and Improvement Company to the City of South San Francisco and recorded February 19th, 1940 in Book 1468, Official Records of San Mateo County at Page 2; the Point of Beginning lies due East 150.00 feet thence due South 50.00 feet from said point of beginning due West 2070 feet, more or less, to the Westerly line of Tide Lot 10, Section 23, Township 3 South, Range 5 West, M.D.B.M.

APN's: 15-010-060  
15-010-260  
15-010-270  
15-010-600  
15-190-170  
15-190-190

JPN's: 015 001 010 07 A  
015 001 010 07.04 A  
015 001 010 07.05 A  
015 001 010 07.06 A  
015 001 010 07.07 A  
015 001 010 07.08 A  
015 001 010 06.02 A  
015 001 010 06.01 A