

RESOLUTION NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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**RESOLUTION ACCEPTING OFFER TO SURRENDER PREMISES AND
TERMINATE THE LEASE BETWEEN THE COUNTY OF SAN MATEO AND
COYOTE RESTAURANT CORPORATION
(Lease No. 5022)**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, on February 11, 1964 the County of San Mateo and the Coyote Restaurant Corporation entered into a ground lease (No. 5022) for a portion of Coyote Point Regional Park to be used for the construction and operation of a restaurant and bar, which Lease was amended March 4, 1975 and on December 18, 1990; and

WHEREAS, the tenants have not used the lease premises for the purposes specified in the lease since 1997, and have not paid rent since July 2006, both of which lead to a belief that the tenant has abandoned the premises; and

WHEREAS, on January 3, 2007, the County Manager sent tenant a Notice of Belief of Abandonment, which notified tenant that the real property would be deemed abandoned unless before January 24, 2007, the County received a written notice from tenant stating (1) the intent not to abandon the real property and (2) an address at which the tenant may be served by certified mail in any action for unlawful detainer of the real property; and

WHEREAS, County did not receive a legally sufficient response to said notice by January 24, 2007, which failure to timely and completely respond constitutes an offer

to surrender the premises and to terminate the lease; and

WHEREAS, this Board wishes to accept said offer to surrender the premises and to terminate the lease.

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that this Board accepts the tenant's offer to surrender the premises and to terminate the lease, and authorizes the County Manager or the Manager's designee, on behalf of the County, to execute all notices and documents necessary to effect said termination.

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