

CITY OF ALAMEDA ORDINANCE NO. _____
New Series

AUTHORIZING THE INTERIM CITY MANAGER, OR DESIGNEE, TO EXECUTE A CONSENT TO ASSIGNMENT AND ASSUMPTION OF LEASE IN FAVOR OF DANIEL PATRICK NICHOLS WITH RESPECT TO THE LEASE OF REAL PROPERTY BETWEEN AGNES MCKINLEY, SUCCESSOR TRUSTEE OF MIHAILO CRNJANSKI, AND THE CITY OF ALAMEDA FOR THE TIDELANDS PARCEL ADJACENT TO THE UPLANDS PARCEL AT 1620 FERNSIDE BOULEVARD, ALAMEDA, CA

WHEREAS, the City of Alameda (City) acquired tidelands parcels from the State of California ("State") to be held in trust for the people of California pursuant to Chapter 348 of the Statutes of 1913, as amended by Section 1 of Chapter 594 of the Statutes of 1917; and

WHEREAS, historically in Alameda, tidelands parcels abutting privately-owned upland residential properties have been leased exclusively to the upland property owners; and.

WHEREAS, under the lease, dated March 1, 1984, between Agnes McKinley, Successor Trustee of Mihailo Crnjanski (Assignor), and the City for the tidelands parcel (Tidelands Parcel) adjacent to the uplands parcel at 1620 Fernside Blvd, Alameda (Upland Parcel), transfer of the Tidelands Parcel is authorized in the event of the sale of the Upland Parcel; and

WHEREAS, Assignor intends to sell to the Uplands Parcel to Daniel Patrick Nichols (Assignee); and

WHEREAS, Transfer of the Tidelands Parcel to Assignee is therefore appropriate and authorized under the lease; and

WHEREAS, City Council must approve an ordinance authorizing the Interim City Manager to execute the Assignment and Assumption of Lease in favor of Assignee.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Alameda that by four affirmative votes that:

Section 1. The Interim City Manager of the City of Alameda, or designee, is hereby authorized to execute, for and on behalf of the City of Alameda, a Consent to Assignment and Assumption of Lease in Favor of Daniel Patrick Nichols with Respect to the Lease of Real Property between Agnes McKinley, Successor Trustee of Mihailo Crnjanski, and the City of Alameda for the Tidelands Parcel Adjacent to the Uplands Parcel at 1620 Fernside Boulevard, Alameda, CA, subject to such technical or clarifying revisions as are reasonably determined necessary by the Interim City Manager,

or designee, and approved by the City Attorney, and the City Clerk is hereby authorized and directed to attest to the same.

Section 2. If any section, subsection, sentence, clause or phrase of this ordinance if, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council of the City of Alameda hereby declares that it would have passed this ordinance, and each section, subsections, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases are declared to be invalid and unconstitutional.

Section 3. This ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Presiding Officer of the City Council

Attest:

Lara Weisiger, City Clerk

* * * * *

I, the undersigned, hereby certify that the foregoing ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the ____ day of _____2022, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSECTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this ____ day of _____2022.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Yibin Shen, City Attorney
City of Alameda