

CITY OF ALAMEDA ORDINANCE NO. _____
New Series

APPROVING A LEASE AND AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS NECESSARY TO IMPLEMENT THE TERMS OF A THIRD LEASE AMENDMENT WITH ARTEMIS RACING, USA FOR TWENTY-FOUR MONTHS WITH TWO ADDITIONAL OPTIONS FOR EIGHTEEN MONTHS AND SIX MONTHS IN BUILDING 12 LOCATED AT 1050 WEST TOWER, A PORTION OF TAXIWAY H AND ACCESS TO THE SEAPLANE LAGOON AT ALAMEDA POINT

WHEREAS, Artemis Racing, USA has been a tenant at Alameda Point since May 2012, and the team has made Alameda its home, attracting 80 sailors, their families and supporting the marine industry throughout the region; and

WHEREAS, Artemis Racing USA, Challenger of Record for the 34th America's Cup, represents the Royal Swedish Yacht Club; the America's Cup 34 racing event is happening this summer in the San Francisco Bay Area; and

WHEREAS, the lease amendment includes continued use of Building 12, a 110,561-square-foot building, 22,604 square feet of Taxiway H and portions of the Seaplane Lagoon. The City has entered a license agreement with the Navy for access to the Seaplane Lagoon to facilitate this use; and

WHEREAS, the base monthly rent previously paid from June 2013 until lease expiration was \$25,000; and

WHEREAS, the proposed base monthly rent from May 1, 2014 until April 30, 2015 is \$47,624.40; and

WHEREAS, the proposed base monthly rent from May 1, 2015 until April 30, 2016 is \$49,053.12; and

WHEREAS, if Artemis Racing remains in Alameda without use of Taxiway H/Seaplane Lagoon area, the rent will be reduced by \$3,400 to \$44,224.40 per month; and

WHEREAS, in addition to the base rent, the City holds a \$20,000 security deposit and the lease contains the standard insurance, indemnity, assignment and termination clauses ARRA required in its leases and compliant with the Lease in Furtherance of Conveyance (LIFOC).

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

Section 1. The City Manager of the City of Alameda or his designee is hereby authorized to negotiate, execute, for and on behalf of the City of Alameda, a third lease amendment with Artemis Racing, USA for twenty-four months with two additional options for eighteen months and six months in Building 12 located at 1050 West Tower, a portion of Taxiway H and access to the Seaplane Lagoon at Alameda Point, subject to such technical or clarifying revisions as are reasonably determined necessary by the City Manager 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, for any reason, is 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

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I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the 20th day of May, 2014, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 21st day of May, 2014.

Lara Weisiger, City Clerk
City of Alameda