

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 FORTY EIGHT MONTH LEASE FOR 44,000 SQARE FEET WITH SHIMMICK /CEC JOINT VENTURE, FOR A PORTION OF BUILDING 170, LOCATED AT 1770 VIKING STREET AT ALAMEDA POINT.

WHEREAS, Shimmick/CEC Joint Venture is a company contracted to retrofit the Tranbay tunnel used by Bay Area Rapid Transit (BART); and

WHEREAS, Shimmick/CEC Joint Venture entered into a lease agreement with the City of Alameda to occupy a portion of Building; and

WHEREAS, this lease agreement with Shimmick/CEC Joint Venture is a new lease in the Enterprise District, Site B at Alameda Point; and

WHEREAS, Shimmick/CEC Joint Venture has a forty eight month lease, but after month 18 the City can terminate the lease to advance development of Site B; and

WHEREAS, this lease for Building 170, consists of approximately 44,000 rentable square feet; and

WHEREAS, the Premises will be used for material storage for a BART retrofit project; and

WHEREAS, Shimmick/CEC Joint Venture has limited its truck trips to 20 per day and shall further limit to no trips between the peak commuter hours of 7 and 9 a.m., except in case of an emergency related to the project; and

WHEREAS, the base rent for months 1-12 of the lease is \$24,200, \$24,926 for months 13-24, \$25,674 for months 25-36, and \$26,444 for months 37-48; and

WHEREAS, Shimmick/CEC Joint Venture will be required to provide a security deposit in the amount of \$24,200 and the lease contains the standard insurance, indemnity, and assignment clauses.

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

Section 1. The Acting 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 lease with Shimmick/CEC Joint Venture, a California Limited Liability Corporation, for Building 170 at Alameda Point for forty eight months 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 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 _____, 2018, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this ____ day of _____, 2018.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Janet C. Kern, City Attorney
City of Alameda