

CITY OF ALAMEDA ORDINANCE NO. _____
New Series

APPROVING A LEASE AND AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENT NECESSARY TO IMPLEMENT THE TERMS OF A 3 YEAR LEASE WITH NO EXTENSION OPTIONS WITH WILLIAMS-SONOMA, INC, A DELAWARE CORPORATION, FOR BUILDING 169, SUITE 102 LOCATED AT 1680 VIKING STREET AT ALAMEDA POINT.

WHEREAS, Williams-Sonoma, Inc. is a specialty retailer offering high quality home products and operates a portfolio of brands including Williams-Sonoma, Williams-Sonoma Home, Pottery Barn, Pottery Barn Kids, PBTeen, West Elm, Mark and Graham, and Rejuvenation; and

WHEREAS, Williams-Sonoma, Inc. entered into a license agreement for Building 169, Suite 102 on May 12, 2016 with the City of Alameda; and

WHEREAS, Williams-Sonoma, Inc. is currently in their first amendment to that original license agreement which will expire April 30, 2017; and

WHEREAS, this lease agreement with Williams-Sonoma, Inc. will replace the original license agreement; and

WHEREAS, Building 169 consists of approximately 43,555 square feet of rentable square feet; and

WHEREAS, Williams-Sonoma, Inc. will occupy Building 169, Suite 102 and have the right, on an exclusive basis, to have its employees and visitors park in the adjacent paved areas; and

WHEREAS, the Premises will be used for the sale of products, at full price and/or discount, from all Williams-Sonoma operated retailers; and

WHEREAS, the base rent over the three years is \$21,677.50 for year one, \$21,677.50 for year two, and \$21,677.50 for year three; and

WHEREAS, the proposed lease does not contain any extension options; and

WHEREAS, Williams-Sonoma, Inc. will be required to provide a security deposit in the amount of \$21,677.50 and the lease contains the standard insurance, indemnity, assignment and termination clauses the 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 lease with Williams-Sonoma, Inc. a Delaware corporation, for Building 169, Suite 102 at Alameda Point for three years with no options to renew, 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 resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the ____ day of _____, 2017, 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 _____, 2017.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Janet C. Kern, City Attorney
City of Alameda