

CITY OF ALAMEDA ORDINANCE NO. _____
New Series

APPROVING A THIRD AMENDMENT TO LONG TERM SUBLEASE
BETWEEN THE CITY OF ALAMEDA AND THE US DEPARTMENT OF
TRANSPORTATION MARITIME ADMINISTRATION FOR LAYBERTH
FACILITIES LOCATED AT ALAMEDA POINT PIERS 1, 2, AND 3.

WHEREAS, The US Department of Transportation Maritime Administration (MARAD) is the agency within the U.S. Department of Transportation dealing with waterborne transportation; and

WHEREAS, in May 2006 MARAD entered into a twenty year lease agreement with the City, as Successor in Interest to the ARRA, for layberth facilities at Alameda Point Piers 1, 2, and 3; and

WHEREAS, MARAD uses the facility for layberthing vessels enrolled in the Ready Reserve Force which are deployed for war time support services, disaster relief and other humanitarian efforts; and

WHEREAS, MARAD will occupy a portion of consisting of approximately 17,335 square feet of rentable space; and

WHEREAS, In January 2017 MARAD notified the City that they were going to move their larger ships for Alameda; and

WHEREAS, under this third amendment MARAD will pay a negotiated rent of \$715 per ship per day with a minimum daily rate of \$2,145; and

WHEREAS, this third amendment includes a provision for a warehouse for MARAD which will be near the piers; and

WHEREAS, MARAD must comply the Master Infrastructure Plan (MIP) which was adopted on March 31, 2014; and

WHEREAS, the Transportation Demand Management Plan (TDM) was adopted on May 20, 2014 and MARAD will be required to comply with TDM Plan as required by the Mitigation Monitoring and Reporting Program (MMRP) from the Alameda Point EIR, and the Alameda Point Zoning District in Section 30-4.24; and

WHEREAS, all new development at Alameda Point will be required to comply with these Plans as part of any Disposition and Development Agreement (DDA) between the City and a developer and as a condition of approval for any planning approval, including Development Plan, use permit, or design review; and

WHEREAS, Employers, residential complexes, or associations are required to prepare and submit a Compliance Strategy to outline plans to meet trip reduction requirements; and

WHEREAS, the lease amendment 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, this third lease amendment with MARAD, 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 _____, 2017, by the following vote to with:

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