

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 THREE YEAR LEASE WITH KAI CONCEPTS, LLC FOR BUILDING 168 LOCATED AT 1651 VIKING STREET, SUITE 300 AT ALAMEDA POINT

WHEREAS, Kai Concepts is the home of the Kiteboat Project where a team of marine architects, sailors, and software developers are building and testing kites for large-scale propulsion in waterborne transportation; and

WHEREAS, Kite propulsion has primarily been used for kitesurfing and in single-person traction kiting. In small-scale kiting, the force of the kite can be controlled by an individual holding on to the kite directly, but as the kite gets larger, harnessing its power becomes more difficult; and

WHEREAS, the Kite Project's mission is to design a purpose-built vessel that is specifically designed to harness kite power and to advance kite design and kite controls to the point that power-assisted or autonomously controlled kites can be used by a broad audience; and

WHEREAS, Kai Concepts has been a tenant in a portion of Building 168 at Alameda Point since May 2013; and

WHEREAS, Kai Concepts 2013 Lease Extension Term expired on May 15, 2015 and Kai Concepts has occupied the Premises on a month-to-month basis; and

WHEREAS, it is the intent of the parties that the 2013 Lease shall be, and hereby is terminated as of the Commencement Date of this Lease except for those indemnification obligations which survive the termination of the 2013 Lease for claims arising prior to the Commencement Date of this Lease; and

WHEREAS, the portion of Building 168, located at 1651 Viking Street, Suite 300 is approximately twenty eight thousand five hundred thirty-six square feet and the adjacent land is approximately seventeen thousand two hundred seventy square feet; and

WHEREAS, the monthly base rent is \$11,852; and

WHEREAS, in addition to Base Rent, the tenant shall pay its share of common area maintenance costs, all costs for services, utilities and taxes for the Premises, and comply with lease requirements for insurance; and

WHEREAS, Alameda City Charter Section 3-10 requires an affirmative vote of 4 members of the City Council to approve a lease for a term over one year.

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 Kai Concepts, LLC for Building 168 located at 1651 Viking Street, Suite 300 at Alameda Point for three years, 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 _____, 2016, 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 _____, 2016.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Janet C. Kern, City Attorney
City of Alameda