

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 60 YEAR LEASE AGREEMENT AND APPROVE A TEMPORARY RIGHT OF ENTRY PERMIT WITH WATER EMERGENCY TRANSIT AUTHORITY (WETA) FOR .73 ACRE OF UNDEVELOPED UPLAND REAL PROPERTY AND 3.4 ACRES OF SUBMERGED LANDS LOCATED ALONG WEST HORNET AND FERRY POINT STREETS AT ALAMEDA POINT.

WHEREAS, the Central Bay Operations and Maintenance Facility is being planned and developed by WETA to serve as one of two maintenance bases for WETA's existing and future ferry fleet; and

WHEREAS, the location of the facility is in the City-owned area known as Term-1 which also is in the State Tidelands; and

WHEREAS, the Facility will include a 4-story building, diesel fuel storage tanks, upland work yard, and a 12-slip ferry berthing facility extending from the site shoreline into San Francisco Bay; and

WHEREAS, the project site for the proposed facility is located southeast of the intersection of West Hornet Avenue and Ferry Point Road near Pier 3 on property owned by the City of Alameda; and

WHEREAS, the site includes 0.73 acre of undeveloped upland real property, 3.4 acres of submerged lands on San Francisco Bay, and a 75-vehicle paved parking area; and

WHEREAS, initial monthly rent of \$5,125, commencing upon receipt of Certificate of Occupancy and subject to annual adjustment based on the Consumer Price Index; and

WHEREAS, WETA will provide defined infrastructure improvements in lieu of City Development Impact Fees required for new development at Alameda Point; and

WHEREAS, a Right of Entry Permit approved concurrent with approval of Lease Agreement for WETA to construct public access improvements within the adjacent park area as required by BCDC as a part of the project permit; and

WHEREAS, WETA will provide insurance negotiated by the City's Risk Manager which includes \$5 million in Commercial Pollution Liability; \$2 million Wharfingers Insurance; and \$4 million Commercial Marine Liability Insurance.

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 Water Emergency Transit Authority for .73 acres of undeveloped upland real property and 3.4 acres of submerged lands located along West Hornet and Ferry Point at Alameda Point for 60 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 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 _____, 2015, 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 _____, 2015.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Janet C. Kern
City Attorney