

CITY OF ALAMEDA ORDINANCE NO. _____
New Series

APPROVING AN AMENDED AND RESTATED LEASE AND AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS NECESSARY TO IMPLEMENT THE TERMS OF AN AMENDED AND RESTATED LEASE AGREEMENT WITH MR. HI CHI CHEN AND MRS. LENA MUY CHIV, A MARRIED COUPLE, DBA HOMETOWN DONUTS, FOR 1930 MAIN STREET

WHEREAS, since 1991, the City of Alameda has planned for a four mile east-west bicycling and walking corridor, referred to as the Cross Alameda Trail (CAT) in the former Alameda Belt Line property, which is owned by the City; and

WHEREAS, the CAT project provides significant community, safety and environmental benefits, including reductions in greenhouse gas emissions by providing safe, convenient and comfortable walking and bicycling facilities, where almost none exist, serving children, students and commuters; and by planting additional trees; and

WHEREAS, the City has developed, with extensive public input, designs for the CAT segment between Main Street and Webster Street, along Ralph Appezzato Memorial Parkway (RAMP); and

WHEREAS, the City has successfully acquired multiple grants for this extensive project and invested City discretionary funding toward the project; and

WHEREAS, in 2010, the City purchased the property formerly owned by Alameda Belt Line, with plans to construct a bicycle and pedestrian trail; and

WHEREAS, Hometown Donuts was leasing property from Alameda Belt Line, and during the property transfer, their lease was assigned to the City of Alameda in 2010; and

WHEREAS, in 2011, the City and Hometown Donuts entered into a lease agreement upon certain terms and conditions, on a month-to-month basis for an area of approximately 3,616 square feet; and

WHEREAS, the City's plans to design and construct the CAT Project on City Property require an alteration of the size of the original leased premises and relocation of the Hometown driveway from RAMP to Main Street in order to make the new bicycle/pedestrian trail safer by minimizing potential conflicts between pedestrian/bicycle traffic and vehicular traffic; and

WHEREAS, the City and Hometown Donuts have agreed to alterations to the original leased premises and amendments to the terms and conditions to the original lease agreement; and

WHEREAS, the City and Hometown Donuts desire to amend and restate the original lease agreement to incorporate mutually agreed upon terms and conditions.

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

Section 1. The City Council hereby delegates to the City Manager the authority to execute the Amended and Restated Lease, and to execute auxiliary documents and to perform any all acts necessary or desirable to consummate the Lease with Hometown Donuts located at 1930 Main Street.

Section 2. If any portion, section, subsection, paragraph, subparagraph, sentence, clause, phrase or application of this Ordinance is 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 on the ____ day of _____, 2017, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

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