

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 LEASE WITH AUCTIONS BY THE BAY, INC. FOR SIXTY-FOUR MONTHS FOR 2751 TODD STREET, BUILDING 525, AT ALAMEDA POINT

WHEREAS, Auctions By the Bay, Inc. (Auctions By the Bay) has been a tenant at Alameda Point since 2001; and

WHEREAS, Auctions By the Bay currently occupies Building 525 on a lease which expired August 18, 2017; and

WHEREAS, this new lease will replace Auctions By the Bay's expired lease for Building 525; and

WHEREAS, Auctions By the Bay Auctions is a leading, full service auction house on the West Coast specializing in the appraisal and sale of antiques and fine art; and

WHEREAS, the Premises will continue to be used as an auction house for the appraisal and sale of antiques and fine art; and

WHEREAS, Building 525 consists of 23,208 square feet with land and parking area; and

WHEREAS, the monthly base rent under the lease will be \$15,781.44 for months 1-12, \$16,254.88 for months 13-24, \$16,742.53 for months 25-36, \$17,244.80 for months 37-48, \$17,762.15 for months 49-60, and \$18,295.01 for months 61-64; and

WHEREAS, the lease contains one renewal option which allows the term to be extended for a period of ten years; and

WHEREAS, the tenant will be required to provide a security deposit in the amount of \$15,781.44 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) with the United States Navy; 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.

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 Auctions By the Bay Services, Inc. for Building 525 located at 2751 Todd Street at Alameda Point for sixty four months, 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.

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Presiding Officer of the City Council

Attest:

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Lara Weisiger, City Clerk

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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 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.

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Lara Weisiger, City  
Clerk City of Alameda

Approved as to form:

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Janet C. Kern, City Attorney  
City of Alameda