

CITY OF ALAMEDA ORDINANCE NO. \_\_\_\_\_  
New Series

AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AMENDMENT TO THE LEASE WITH PACIFIC SHOPS, INC. FOR THE TIDELANDS PROPERTY LOCATED ALONG CLEMENT STREET BETWEEN ALAMEDA MARINA DRIVE AND WILLOW STREET, GENERALLY KNOWN AS ALAMEDA MARINA.

WHEREAS, the City is owner of certain tidelands real property located on the Oakland/Alameda estuary waterfront along Clement Street between Alameda Marina Drive and Willow Street; and

WHEREAS, City acquired such tidelands property from the State of California by Stats. 1913, Chapter 348, as has been amended from time to time; and

WHEREAS, Pacific Shops, Inc, the owner of the abutting upland fee property, has leased the tidelands property from the City since May 1965; and

WHEREAS, the initial term of the first lease agreement with Pacific Shops, Inc. commenced on May 3, 1965, with a term of 25 years with one option to renew for 25 years, and expired May of 2015; and

WHEREAS, an additional lease was entered in July of 1968 for additional adjacent Tidelands property at the Alameda Marina, with a term concurrent with the first lease expiring May 2017; and

WHEREAS, In 2012, the City and Pacific Shops desired to upgrade and improve the Alameda Marina; and Pacific Shops was willing to make such an investment and further is interested in pursuing the redevelopment of its adjoining upland property in exchange for a new lease with an initial term of 25-years with a 41- year option to extend with precedent conditions as set forth in the 2012 lease; and

WHEREAS, Pacific Shops, Inc. entered into the existing lease agreement on May 16, 2016, with an initial term expiring May 2037 or until sooner terminated, with an option to extend for an additional 41 years with conditions precedent until May 2078; and

WHEREAS, the City and Pacific Shops now desire to amend this existing agreement to extend the deadline of the condition set forth in 1.5(b)(2) to December 31· 2020 and add a covenant outlining additional obligations to be met by Pacific Shops, Inc.

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 execute an amendment to the lease with Pacific Shops, Inc. for the tidelands

property located along Clement Street between Alameda Marina Drive and Willow Street, generally known as Alameda Marina, 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, for any reason, 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.

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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 \_\_\_\_\_, 2019, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSECTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this \_\_\_\_ day of \_\_\_\_\_, 2019.

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Lara Weisiger, City Clerk  
City of Alameda

APPROVED AS TO FORM:

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Yibin Shen, City Attorney  
City of Alameda