

CITY OF ALAMEDA ORDINANCE NO. _____
New Series

APPROVING A LICENSE AND AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS NECESSARY TO IMPLEMENT THE TERMS OF A 66-YEAR LICENSE WITH THE SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY, A REGIONAL PUBLIC TRANSIT AGENCY , FOR USE OF REAL PROPERTY AND SUBMERGED LAND AT ALAMEDA POINT

WHEREAS, the San Francisco Bay Area Water Emergency Transportation Authority (WETA) is a regional public transit agency; and

WHEREAS, the City of Alameda (City) and WETA have entered into the Seaplane Lagoon Ferry Terminal Operating Agreement (Operating Agreement) in connection with the design, construction and operation of the Seaplane Lagoon Ferry Terminal at Alameda Point, and the ferry service connecting Alameda Point and San Francisco; and

WHEREAS, the City owns certain real property at Alameda Point identified in the Operating Agreement as the "Landside Area", and submerged lands, identified in the Operating Agreement as the "Waterside Area"; and

WHEREAS, WETA desires to obtain a license from the City to access and use the Landside Area and Waterside Area for the operation of the Seaplane Terminal Ferry Service, as contemplated in the Operating Agreement; and

WHEREAS, the Landside Area shall be utilized by WETA on a non-exclusive basis for access to the Waterside Area in connection with operation of the Seaplane Ferry Terminal and the Waterside Area shall be utilized by WETA solely for the operation of Seaplane Terminal Ferry Service; and

WHEREAS, WETA shall pay a fee of \$1.00 per year for use of the licensed area for the 66-year term of the license; and

WHEREAS, the proposed license does not contain any extension options.

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

Section 1. The City Manager of the City or his designee is hereby authorized to negotiate and execute, for and on behalf of the City, a license with the WETA, for use of real property and submerged land at Alameda Point for sixty-six years with no option to extend, 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, 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 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 or 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 _____ 2020, 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 _____ 2020.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Yibin Shen, City Attorney
City of Alameda