

CITY OF ALAMEDA RESOLUTION NO. _____

AMENDING THE REIMBURSEMENT AGREEMENT FOR ESTUARY PARK ACCESS ("AGREEMENT), SUBSTANTIALLY IN THE FORM OF THE ATTACHED, TO INCREASE THE \$800,000.00 BUDGET BY \$85,000.00 FOR A TOTAL OF \$885,000.00 AS AUTHORIZED BY AGREEMENT SECTIONS 2(A) AND (B); SAID INCREASE SHALL BE ALLOCATED BY THE CITY FROM ITS FLEET INDUSTRIAL SUPPLY CENTER (FISC) LEASE REVENUE BUDGET

WHEREAS, the Successor Agency to the Community Improvement Commission of the City of Alameda, the City of Alameda (the "City") and Catellus Alameda Development, LLC ("Catellus") entered into that certain Reimbursement Agreement for Estuary Park Access, dated for reference purposes as of January 31, 2019 ("Agreement"), which Agreement, *inter alia*, describes the terms and conditions under which the City funds Catellus for creation and construction of service-road access to Estuary Park from Mitchell Avenue ("Service Road Work") as part of the final development phase of the Alameda Landing north of Mitchell Avenue; and

WHEREAS on March 20, 2018, as part of the Fiscal Year (FY) 2017-18 Mid-Year Budget update, the City Council appropriated \$800,000 from the Base Reuse and FISC Lease Revenue budgets to fund the construction; and

WHEREAS on January 31, 2019, Section 2(a) and (b) of the Agreement provided that, should the total Service Road Work costs and expenses Catellus incurred exceed \$800,000.00 ("Excess Reimbursement Amount"), the City Council would approve necessary Excess Reimbursement Amounts; and

WHEREAS on April 26, 2021, Catellus notified the City that it anticipated Service Road Work costs would exceed the approved \$800,000.00 budget by \$85,000, bringing estimated actual costs to \$885,000; and

WHEREAS the Agreement authorizes the City Council to approve Excess Reimbursement Amounts and appropriate said monies from its FISC Lease Revenue Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE Council of the City of Alameda that said Council hereby approves amending the Agreement, substantially in the form of the attached, to increase the Service Road Work budget to \$885,000.00 and to fund the \$85,000.00 increase from its FISC Lease Revenue Fund.

* * * * *

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 2nd day of November, 2021, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this 3rd day of November, 2021.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Yibin Shen, City Attorney
City of Alameda