



Legislation Text

File #: 13-200, **Version:** 1

ADOPT: Resolution Amending Two Agreements Approved by the City Council on April 1, 2013 with the San Leandro Chamber of Commerce: 1) a Property Exchange and Indemnity Agreement with One and Only Right of First Offer for the City's Office Space Located at 120 Estudillo Avenue in the New Downtown Garage in Exchange for the Chamber's Parcel at 262 Davis Street and 2) a Reciprocal Easement Agreement and Declaration of Covenants, Conditions, and Restrictions for the Office Space to Include as Party to the Agreement the Parking Authority of the City of San Leandro and Authorizing the City Manager, acting as the Executive Director of the Parking Authority of the City of San Leandro, to Execute Same (allows the Executive Director for the Parking Authority of the City of San Leandro to execute the agreements for the transfer of ownership of 262 Davis Street to the City and 120 Estudillo Avenue, the office space within the new downtown parking garage, to the Chamber of Commerce and the conditions under which the garage space will be shared)

WHEREAS, in 2008 the City of San Leandro Redevelopment Agency and the San Leandro Chamber of Commerce negotiated a lease, with an option to purchase, of the Chamber of Commerce property located at 262 Davis Street; and

WHEREAS, part of that agreement included the construction by the City of office space inside a new downtown parking garage that would be exchanged for the San Leandro Chamber of Commerce property at 262 Davis Street; and

WHEREAS, the City Council reviewed and approved the agreements to effect the property exchange of the downtown parking garage office space from the City to the San Leandro Chamber of Commerce, and the transfer of 262 Davis Street from the San Leandro Chamber of Commerce to the City, as well as transfer of title to the office parcel within the new downtown parking garage with ingress / egress, parking, trash, communications, and HVAC amenities, and shared responsibility for certain aspects of upkeep through a reciprocal easement and a declaration of covenants, conditions, and restrictions for the use and upkeep of the garage office space from the City to the San Leandro Chamber of Commerce; and

WHEREAS, those agreements must be amended to include as a party the Parking Authority of the City of San Leandro, composed of the members of the City Council acting as the governing board of the Parking Authority with the City Manager acting as its Executive Director, because the Parking Authority is also on the title of the Downtown Parking Garage property as an owner.

NOW, THEREFORE, the City Council of the City of San Leandro does RESOLVE as follows:

1. The City Manager, acting as the Executive Director of the Parking Authority for the City of San Leandro, is authorized to execute an amendment, subject to approval as to form by the City Attorney, to the Property Exchange and Indemnity Agreement with One and Only Right of First Offer to the City for the City's and Parking Authority's office space located at 120 Estudillo Avenue in the

new downtown parking garage in exchange for the Chamber of Commerce's property at 262 Davis Street; and

2. The Executive Director of the San Leandro Parking Authority is authorized to execute an amendment to the Declaration of Reciprocal Easements and Covenants, Conditions, and Restrictions, subject to approval as to form by the City Attorney, which details the reciprocal easements, covenants, conditions, and restrictions for the office space located at 120 Estudillo Avenue.