

RESOLUTION NO. 24-1

A RESOLUTION OF THE BOARD OF THE RICHMOND SURPLUS PROPERTY AUTHORITY RATIFYING PRIOR LEASE AGREEMENTS AND FINDING THEM VALID LEASES OF THE AUTHORITY AND ADOPTED IN ACCORDANCE WITH PROCEDURES OF THE CITY OF RICHMOND

WHEREAS, pursuant to California Government Code Section 40500 *et seq.*, the Richmond Surplus Property Authority (the “**Authority**”) was established by Ordinance 218 N.S. adopted by the City Council of the City of Richmond on June 12, 1967; and

WHEREAS, pursuant to Government Code Section 40531, the governing Board of the Authority (the “**Board**”) is composed of the members of the City Council of the City of Richmond (the “**City Council**”); and

WHEREAS, pursuant to Government Code Section 40532, on July 10, 1967, the Board adopted Resolution No. 1 to appoint the Mayor of the City of Richmond to serve as the President of the Board; and appointed the City Manager to serve as Authority Manager (“**Manager**”) and City Attorney to serve as Authority Attorney (“**Attorney**”); and

WHEREAS, pursuant to Government Code Section 40555, the Mayor of the City of Richmond acting within their capacity as the President of the Board has authority to sign all contracts on behalf of the Authority; and

WHEREAS, pursuant to Government Code Section 40564, the Authority has the power to execute contracts and, pursuant to Government Code Section 40567, the Authority may sell, lease, exchange, transfer, assign, or otherwise dispose of real or personal property or any interest in such property; and

WHEREAS, in accordance with SPA Resolution 1 Section 3, the Board shall conduct all business of the Authority in accordance with the rules and procedures adopted by the Council of the City of Richmond; and

WHEREAS, the lessees of the leases are generally carrying out the terms of their leases faithfully and under legal principles of reliance and estoppel, and in accordance with the State of California Validating Statutes which validate the acts and procedures of cities and other local agencies, the Authority adopts any actions to approve the Authority leases in Exhibit A as approved by the Authority; and

WHEREAS, the execution of leases for certain property owned by the Authority were previously authorized or approved at duly noticed meetings of the City Council, or joint meetings of the Authority and the City Council, wherein such leases were authorized or approved by the City Council acting within their capacity as such and under authority of the Charter; and

WHEREAS, there is a need for the Board to approve and ratify leases for certain property owned by the Authority that were previously approved by the City Council as the authority to approve such leases rests with the Authority’s Board as the owner of the leasehold interest.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE RICHMOND SURPLUS PROPERTY AUTHORITY AS FOLLOWS:

1. The Board hereby finds and determines that the foregoing recitals are true and correct.
2. The execution, delivery, and implementation of the property leases, amendments, and agreements described in Exhibit A attached to this Resolution (collectively, the “**Ratified Agreements**”), and the rights and obligations of the Authority as lessor or landlord under the Ratified Agreements are hereby approved, confirmed, and ratified in all respects.

3. All actions taken by the Authority, its President, its Executive Director, its officers, or their respective designees with respect to the Ratified Agreements prior to the date of this Resolution are hereby approved and ratified in all respects.

4. All actions taken by the City Council, the Mayor of the City of Richmond, or the City Manager of the City of Richmond, or their respective designees with respect to the Ratified Agreements prior to the date of this Resolution are hereby approved and ratified in all respects, and the Board confirms that such actions shall be deemed the actions of the Authority.

5. With respect to all Ratified Agreements, all provisions of such Ratified Agreements, including terms and other similar matters, shall be measured from the dates such were originally entered into, and nothing herein shall change any provision of the Ratified Leases from how it has been previously understood and applied by the parties.

6. The Board hereby authorizes the Mayor of the City of Richmond in their capacity as the President of the Board and by Manager and Attorney, to take all actions and execute all instruments necessary to implement the intent of this Resolution.

7. Actions by all officers of Authority must be taken in accordance with the City Charter and all rules and procedures of the City in accordance with SPA Resolution 1, Section 3.

8. In accordance with City Charter, Art. IV, Section 3, the City Attorney has authority to initiate and prosecute all legal actions on behalf of the Authority, including lessees that are in default of their lease terms.

I certify that the foregoing resolution was passed and adopted by the Surplus Property Authority of the City of Richmond at a special meeting thereof held February 27, 2024, by the following vote:

AYES: Commissioners Bana, McLaughlin, Robinson, Willis, Zepeda,
Vice Chairperson Jimenez, and Chairperson Martinez.
NOES: None.
ABSTENTIONS: None.
ABSENT: None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

EDUARDO MARTINEZ
Chairperson

Approved as to form:

DAVE ALESHIRE
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 24-1**, finally passed and adopted by the Surplus Property Authority of the City of Richmond at a special meeting held on February 27, 2024.



Pamela Christian, Clerk of the City of Richmond

EXHIBIT A

SPA LEASES EXECUTED BY CITY

| <u>Tenant</u> | <u>Site Description</u> | <u>Address</u> | <u>APN</u> | <u>Lease Start Date</u> | <u>Lease Expiration</u> | <u>Term</u> |
|--|---|-----------------|---------------------------------|-------------------------|-------------------------|--|
| Alcatraz Cruise | Point Potrero Marine Terminal (PPMT): Basin 4 & half of Basin 3 | | 560-320-017-0 | 10/15/2021 | 10/14/2026 | 10/15/2021-10/14/2026 with two 5 year extension options (2036) |
| Auto Warehousing Company | Point Potrero Marine Terminal (PPMT): 1311 Canal Blvd | 1311 Canal Blvd | 560-320-016-2 and 560-320-017-0 | 1/1/2004 | 6/30/2025 | 01/01/2004-01/01/2009 with one 5 year extension. Second amendment - 05/19/2009-2025 (2) 5-year extensions. (effected lease date started when lease was active) MAG commenced July 1,2010 |
| Dutra Group | Point Potrero Marine Terminal (PPMT): Basin 2 | | 560-320-017-0 | 6/1/2017 | 5/31/2027 | 06/01/2017-05/31/2022 with one 5 year extension option |
| Dutra Group | Point Potrero Marine Terminal (PPMT): Vertical Structure/Parking Area | 1319 Canal Blvd | 560-320-017-0 | 6/1/2017 | 5/31/2027 | 06/01/2017-05/31/2022 with one 5 year extension option |
| Foss Maritime | Point Potrero Marine Terminal (PPMT): Finger Pier 2 | 1316 Canal Blvd | 560-320-017-0 | 10/1/2012 | 2/28/2028 | 10/01/2012-09/30/2017. First Amendment relocation Basin 5 to Basin 1; Second amendment - 02/28/28 |
| Marine Spill Response Corporation (MSRC) | Point Potrero Marine Terminal (PPMT): Finger Pier 1 | 1314 Canal Blvd | 560-320-017-0 | 1/1/1993 | 6/30/2043 | 01/01/1993-06/30/2003 with four 5 year extension options 1st Amendment to the lease 2023-2043 |
| Northland Nautical | Point Potrero Marine Terminal (PPMT): Basin 5 | | 560-320-017-0 | 9/15/2021 | 9/14/2026 | 09/15/2021-09/14/2026 with two 1 year extension options |
| NRC Environmental Service | Point Potrero Marine Terminal (PPMT): Basin 3 | 1337 Canal Blvd | 560-320-017-0 | 10/1/2017 | 9/30/2027 | 10/01/2017-09/30/2022 with one 5 year extension option |
| Richmond Museum Association - Red Oak | Point Potrero Marine Terminal (PPMT): Basin 5 | 1337 Canal Blvd | 560-320-017-0 | 5/1/2013 | 4/30/2033 | 05/01/2013-04/30/2018 with three 5 year extension options |
| Rigger's Loft Winery | Point Potrero Marine Terminal (PPMT): Riggers Building | 1317 Canal Blvd | 560-320-016-2 | 1/15/2015 | 12/31/2034 | 01/15/2015-12/31/2034 with two 5 year extension option |
| VACANT | Point Potrero Marine Terminal | 1324 Canal Blvd | 560-320-016-2 | | | |
| VACANT | Point Potrero Marine Terminal (PPMT): Cafeteria Building | 1333 Canal Blvd | 560-320-017-0 | | | |
| VACANT | Point Potrero Marine Terminal (PPMT): Basin 1 | | 560-320-017-0 | | | |

*PPMT: Point Potrero Marine Terminal