

**RESOLUTION NO.**

**Resolution Of The City Council Of The City Of Emeryville Approving The Second Amendment To The Second Amended And Restated Agreement Of Ground Lease By And Between The City Of Emeryville And Safe Harbor Marinas Emeryville, LLC And Authorizing The City Manager To Execute The Agreement**

**WHEREAS**, the City of Emeryville owns a marina, which consists of certain real property and improvements, commonly referred to as the "Marina"; and

**WHEREAS**, in 2008, the City entered into a Second Amended and Restated Agreement of Ground Lease with Emeryville Marina, LLC, which has been subsequently amended, and assigned to Safe Harbor Marinas Emeryville, LLC; and

**WHEREAS**, since 1988, the City has had a third party operate a sport fishing concession at the Marina in which a third party scheduled fishing trips for the sport fishing operators at the Marina and remitted business tax from the sport fishing boat operators to the City along with other services; and

**WHEREAS**, the Parties desire to amend their rights and obligations as set forth in the Lease and the First Amendment to accommodate a sport fishing concession at the Marina consistent with the Parties' practice; and therefore be it

**RESOLVED**, the City Council of the City of Emeryville approves the Second Amendment to the Second Amended and Restated Agreement of Ground Lease by and Between the City of Emeryville and Safe Harbor Marinas Emeryville, LLC and authorizes the City Manager to execute the agreement, attached hereto as Attachment A, on behalf of the City.

**ADOPTED**, by the City Council of the City of Emeryville at a regular meeting held Tuesday, March 20, 2018, by the following vote:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY CLERK

  
\_\_\_\_\_  
CITY ATTORNEY