

RESOLUTION NO. 19-_____

Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute Second Amendment To Temporary Construction Access Agreement With BRE-BMR 53RD, LP For South Bayfront Pedestrian Bicycle Bridge Project

WHEREAS, the South Bayfront Pedestrian/Bicycle Bridge Project ("Bridge Project") and the Horton Landing Park Project ("Park Project") (collectively, the "Project") was authorized for construction on May 21, 2019; and

WHEREAS, to implement the project requires the temporary use of land now owned by BRE-BMR 53RD, LP (dba BioMed Realty); and

WHEREAS, a Temporary Construction Access Agreement was executed by the predecessor property owner Novartis that included a term defining an expiration date of December 31, 2019, and

WHEREAS, construction will require time beyond December 31, 2019; and

WHEREAS, Amendment 2 of the Temporary Construction Access agreement has been prepared to address time extension and concerns from BioMed related to Hazardous Materials; now, therefore, be it

RESOLVED, by the City Council of the City of Emeryville hereby approves the Second Amendment of Temporary Construction Access Agreement; and, be it, further

RESOLVED, by the City Council of the City of Emeryville that the City Manager is authorized to execute said Second Amendment to Temporary Construction Access Agreement on behalf of the City, with such minor and clarifying changes necessary to effect the terms thereof; and, be it, further.

RESOLVED, by the City Council of the City of Emeryville that the City Manager is further authorized to execute time extension amendments as warranted by construction progress until construction work is accepted as complete.

Resolution No. 19-_____

S. Bayfront Pedestrian/Bicycle Bridge & Horton Landing Park Project | 2nd Amend. to Temporary Construction Access Agreement

City Council Meeting | December 3, 2019

Page 2 of 2

ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, December 3, 2019, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

MAYOR

ATTEST:

APPROVED AS TO FORM:



CITY CLERK

CITY ATTORNEY