

CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

RESOLUTION NO. 13-1213

A RESOLUTION OF THE CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES PURSUANT TO EDUCATION CODE SECTION 81365 DECLARING ITS INTENTION TO LEASE REAL PROPERTY COMMONLY KNOWN AS 5020 FRANKLIN DRIVE, PLEASANTON, CALIFORNIA

WHEREAS, the Chabot-Las Positas Community College District (“District”) is the owner of certain real property commonly known as 5020 Franklin Drive, Pleasanton, CA, consisting of approximately 25,000 square feet of improved interior administrative/office space (“Property”); and

WHEREAS, the Property is currently not being used by the District, and the District has determined that there are no District educational or administrative needs for the Property in the foreseeable future; and

WHEREAS, the District intends to make the Property available for lease to private lessees as set forth in Education Code § 81365 on the terms set forth in this Resolution in an expedited manner.

NOW, THEREFORE, be it resolved by the Board as follows:

1. The Board hereby declares its intention to lease, but not sell, the Property, in whole or in part, in accordance with applicable law governing the lease of property by a community college district.

2. The minimum terms and conditions upon which the Board proposes to lease the Property, in whole or in part, is \$1.05 per square foot per month, triple net at no expense to the District (the “Base Rent”). The lease term shall be a minimum of five (5) years. The Base Rent payment shall be increased each year by the United States Department of Labor Consumer Price Index, All Urban Consumers for the San Francisco-Oakland-San Jose, CA (1982-84 = 100), plus one percent (1%). In no event shall the Base Rent decrease. Base Rent shall be payable monthly on the first day of the month. The rent for any option term of five years or less shall increase at the same rate as the Base Rent. The rent for any option term in excess five years shall be at fair market value determined as of the commencement date of the option term by appraisal.

3. The lease is “AS-IS, WHERE-AS”, without representations or warranties of any kind other than the District is the owner of the Property and this Resolution was adopted at a duly noticed meeting. Questions about current and future zoning of the Property, the suitability of the Property for any intended use and its development should be directed to the City of Pleasanton and other governmental agencies.

4. The Board will pay a real estate commission to any real estate broker instrumental in obtaining any proposal to lease accepted by the Board. Further to Education Code Section 81367, such commissions shall only be payable from the rent received by the District and shall be payable at the rate set forth in Exhibit A, attached to and incorporated herein by this reference.

5. If the District enters into a lease with a lessee for at least the minimum lease term specified in this Resolution, the successful lessee may utilize the existing structures on the Property, or make modifications at the lessee's sole cost and expense, if required for lessee's use of the Property. District shall have the right in its sole discretion to review and approve the plans for any remodeling of existing facilities or any replacement facilities. At the end of the lease period, any facilities on the Property shall become the property of the District at no cost to the District.

6. The Board hereby directs the Vice Chancellor of Business Services to post and publish the public notice of the availability of the Property in accordance with Education Code Section 81368.

7. Pursuant to Education Code Section 81372, the Board adopts a rule that the Vice Chancellor is delegated responsibility to open and review all sealed bids. All sealed bids must be received by the Vice Chancellor no later than 4:00 p.m. on May 10, 2013, in the office of the Vice Chancellor of Business Services located at 7600 Dublin Blvd., Dublin, CA, Third Floor. All sealed bids must be addressed to the attention of the Vice Chancellor and clearly identify the Property address.

8. The Board hereby establishes May 21, 2013 at 6:30 p.m. in the Board Room located at 7600 Dublin Blvd., Dublin, CA, Third Floor, as the date and time the bid or bids will be awarded, subject to the Board's right to reject all bids. The Board reserves the right to do its due diligence to ensure that any bidder is a responsible person or entity, able to fulfill the requirements of the lease. The award of any bid is expressly contingent on the District and the proposed lessee entering into a lease which is satisfactory to the District and approved by the Board.

9. Pursuant to Education Code Section 81375, the Board reserves the right to reject all bids if it deems this action to be in the best public interest.

10. Notwithstanding the provisions of paragraphs 1-9 above, if the Board deems such action to be for the public interest, the Board may at any time withdraw the proposal to lease the Property.

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11. A mandatory site inspection of the Property and meeting of interested bidders will be held on April 30, 2013, at 10:00 a.m., at the Property (5020 Franklin Drive, Pleasanton, CA). Any proposer who fails to attend the site inspection and meeting of interested bidders shall not be qualified to submit a proposal.

12. Adoption of this resolution requires approval by a two-thirds vote of all members of the Board.

I, Secretary to the Board of Trustees of the Chabot-Las Positas Community College District, do hereby certify that the foregoing Resolution No. 13-1213 was regularly introduced and adopted by the District Board of Trustees at a duly-noticed regular meeting held on the 16th day of April 2013, by the following roll call vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

President, Board of Trustees
Chabot-Las Positas Community College
District

Attest:

Secretary, Board of Trustees
Chabot-Las Positas Community College District

EXHIBIT A

(Schedule of Real Estate Commissions)

Year	1	4.00% of Monthly Rent
Year	2	3.75% of Monthly Rent
Year	3	3.50% of Monthly Rent
Year	4	3.25% of Monthly Rent
Year	5	3.00% of Monthly Rent