



Legislation Text

File #: 12-0030, **Version:** 1

Recommendation to authorize City Manager to execute a rental agreement with Kristine D. Diehl for vacant City-owned property at the southeast corner of 8th Street and Raymond Avenue. (District 2)

On April 22, 2003, the City Council approved Rental Agreement No. 28224 (Agreement) with Mark and Lucia Karaptian for vacant City-owned property (Site) at the southeast corner of 8th Street and Raymond Avenue (see Attachment). The Site, measuring approximately 3900 square feet, has been designated for use in the future widening of 8th Street, but the month-to-month Agreement allowed for use of the Site as a side yard extension to the Karaptian's adjacent property at 790 Raymond Avenue. The Agreement also relieved the City from ongoing maintenance costs. In August 2011, the Karaptians terminated the Agreement due to the sale of their property.

Concurrent with the sale of 790 Raymond Avenue, Kristine D. Diehl, the new property owner, contacted City staff regarding her interest in leasing the Site from the City for continued use as a side yard. Since the Site is still designated for future street widening purposes, a month-to-month agreement is appropriate to provide the City with continued flexibility for the Site's eventual use. The Site has nominal value for leasing purposes due to its size, location and use/zoning restrictions.

To alleviate the City of ongoing maintenance costs, staff recommends a new agreement for the nominal monthly fee of \$1 plus additional consideration in the form of continued maintenance of all landscaping, foliage, trees and fencing that the City would otherwise incur.

The proposed agreement contains the following major terms and conditions:

- Tenant: Kristine D. Diehl
- Premises: Vacant City-owned property at the southeast corner of 8th Street and Raymond Avenue.
- Term: A month-to-month rental agreement commencing January 1, 2012.
- Option to Terminate: Either party may terminate the rental agreement upon 30 days written notice.
- Rent: Tenant shall pay \$1 per month. As additional consideration, Tenant shall maintain the Premises at its sole cost and expense. Maintenance shall include all landscaping, foliage, trees and fencing on the Premises.
- Use: Premises shall be used as a side-yard extension of Tenant's property and for no other purposes.

- Insurance: Tenant shall maintain insurance coverage consistent with the City's requirements for the term of the rental agreement.
- Relocation Benefits: Tenant waives any rights to future relocation benefits.

Categorical Exemption CE-141-11 was completed relative to the proposed agreement with the Tenant on December 12, 2011.

This letter was reviewed by Deputy City Attorney Richard Anthony on December 7, 2011 and by Acting Budget and Performance Bureau Manager, Shari Metcalfe, on December 9, 2011.

City Council action is requested on January 17, 2012 in order to formalize and execute the rental agreement in a timely manner.

There is no fiscal impact to the General Fund and no known local job impact associated with the recommendation.

Approve recommendation.

MICHAEL P. CONWAY
DIRECTOR OF PUBLIC WORKS

APPROVED:

PATRICK H. WEST
CITY MANAGER