



**Contra
Costa
County**

To: Contra Costa County Flood Control District Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: April 20, 2021

Subject: Approve a License Agreement with Alamo Square USA Investments, LLC, Alamo area.

RECOMMENDATION(S):

As the governing body of the Contra Costa County Flood Control and Water Conservation District (District), APPROVE and AUTHORIZE the Chief Engineer, or designee, to execute on behalf of the District a license agreement requiring Alamo Square USA Investments, LLC, (Licensee) to pay the District an initial rent of \$2,000 annually, to use the District's San Ramon Creek property for temporary parking, seating, landscaping, and ingress and egress purposes, from June 1, 2021, through May 31, 2031, to the extent such uses do not interfere with the District's use of its property for flood control purposes, Alamo area (Project No. WO8372).

FISCAL IMPACT:

Rental income in the amount of \$22,500 during the term of the agreement between June 1, 2021, through May 31, 2031.

BACKGROUND:

The Alamo Square USA Investments, LLC property is located at 37 Alamo Square, in Alamo ("adjacent property"), adjacent to the District's San Ramon Creek property. Beginning in 1994, the District licensed the use of a portion of its property along San

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **04/20/2021** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: April 20, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy

Contact: Naila Thrower, 925.
957-2465

cc:

Ramon Creek to the adjacent property's owner. That license agreement was not assignable and it

BACKGROUND: (CONT'D)

terminated in November 2019, when the adjacent property was sold to the new owner, Alamo Square USA Investments, LLC (Alamo Square). This License Agreement will allow the neighboring property's new owner, Alamo Square, to use the District's property for temporary parking, outdoor dining, landscaping, and ingress and egress purposes from June 1, 2021, through May 31, 2031.

Under the license agreement, Alamo Square will pay \$2,000 annually for costs to process the license agreement through May 31, 2026, and rent of \$2,500 annually thereafter, through May 31, 2031, for the use of an approximately 3,200 square foot portion of the District's San Ramon Creek property, for the above purposes. Alamo Square also will indemnify the District from liabilities that arise from the granting of the license or the use of the licensed premises by Alamo Square or the public. The license agreement can be terminated by either party upon 90 days notice.

District staff recommend that the Board approve entering into the license agreement.

CONSEQUENCE OF NEGATIVE ACTION:

The District would not license the use of this portion of its property to the Licensee.

ATTACHMENTS

License Agreement