

CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

RESOLUTION NO. 03-1718

AUTHORIZING SUBLEASE PURSUANT TO THE TERMS OF THE 1992 FACILITY LEASE BY AND BETWEEN THE STATE PUBLIC WORKS BOARD OF THE STATE OF CALIFORNIA AND SOUTH COUNTY COMMUNITY COLLEGE DISTRICT

WHEREAS, on March 21, 2017, the Board of Trustees (“Board”) of the Las-Positas Community College District (“District”) approved a lease agreement with Verizon Wireless (“Agreement”) for the installation, operation and maintenance of communications equipment on the rooftop of the Barbara Francisco Mertes Center for the Arts building at the Las Positas College campus (“Campus”); and

WHEREAS, in order to execute the Agreement, the District must ensure that the terms of the lease conform with any existing lease agreements on the Campus; and

WHEREAS, on December 1, 1992, the District’s successor-in-interest, the South County Community College District, entered into a Facility Lease with the State Public Works Board of the State of California (“Facility Lease”); and

WHEREAS, the Facility Lease was used to refinance a loan and to provide additional funding for the construction of a learning resource center and offices on the Campus; and

WHEREAS, pursuant to the terms of the Facility Lease, the District is currently making payments on the lease, is in good standing, and anticipates its last payment will occur on or before December 1, 2017; and

WHEREAS, Section 6 of the Facility Lease grants “the District shall have the right during the term of this lease to make additions, betterments, extensions or improvements to the Facility or to attach fixtures, structures or signs to the Facility if such additions, betterments, extensions or improvements or fixtures, structures or signs are necessary or beneficial for the use of the Facility by the District”; and

WHEREAS, Section 8(b) of the Facility Lease requires the District’s Board to consent in writing to any assignment, sublease, or transfer of the any interests contemplated thereunder; and

NOW, THEREFORE, that the Chabot-Las Positas Community College Board of Trustees hereby authorizes the College to enter into the Agreement with Verizon Wireless, sublease the Campus, and expressly provides its consent in writing for the same pursuant to Section 8(b) of the Facility Lease, as the communications equipment installed thereunder are necessary and beneficial to the District’s use of the Campus in accordance with Section 6 of the same.

PASSED AND ADOPTED by the following roll call vote this 15 day of August 2017 by the Governing Board of Chabot-Las Positas Community College District of Alameda County, State of California.

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August 15, 2017

AYES:

NOES:

ABSENT:

ABSTENTIONS:

Date

Secretary of the Board of Trustees of the
Chabot-Las Positas Community College District,
State of California, County of Alameda