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City Considers Lease and Purchase Agreement for Old Library

By Cathy Tyson

Questions swirled around what the definition of "good" is regarding the Lafayette School District's lease and option to purchase the old library building on Moraga Road from the city of Lafayette. Terms for the deal, if approved, include rent for the aging structure of \$8,333.33 per month for a period of approximately 12 to 18 months, with an option to purchase the land and structure for \$2 million. The city purchased the property from the prior owner, Contra Costa County, just two years ago for \$1.97 million.

Important definitions came into play as the city considered its distinct roles, first as a landlord and then as a seller, if both parties can come to an agreement.

Condition of the building when it is sold is strictly "as is," something school district officials are aware of. However during the time period that the building is being rented, the city is required to keep the building in "good" condition. If the roof had a leak during the rental period, for example, the city would have to repair it. Council Member Don Tatzin asked if the heating and air conditioning systems were working, a reasonable obligation for the structure to be in "good" condition. The HVAC status wasn't immediately clear, since the building has been vacant for many years.

City Manager Steven Falk clarified that the building is uninhabitable right now. He also explained that the state controls architectural requirements for classrooms, which supersede local building codes. The district is aware the building can't be used for classrooms, but it can be used for administrative offices or a variety of other purposes. The lease agreement states the city of Lafayette is not responsible for any tenant improvements.

"The school board needs to review the agreement," said superintendent Rachel Zinn. "We're exploring possible options."

Ultimately the city council agreed that both the Lafayette School District and representatives of the city will do an inspection of the property together to clear up any confusion about what is "good" condition.

The deal also included language that covered contingencies if the city changes its mind and decides not to sell the property: it would refund the rent paid by the school district. If the district backs out, the rent paid would be kept by the city. In the unusual situation that the city was prevented from selling, it would pay back half of the rent to the district. The item will come back to the city council on Sept. 14 for a presumably final decision.

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