

**Reid, Larry**

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**From:** Bill Aboudi [bill@oaklandmss.com]  
**Sent:** Tuesday, June 11, 2013 7:32 PM  
**To:** 'D. Dexter Vizinau'; McElhaney, Lynette; Reid, Larry; Kaplan, Rebecca; Gallo, Noel  
**Subject:** FW: Negotiations on extension of OMSS's vacation date

fyi

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**From:** Chris Peterson [mailto:cpeterson@portoakland.com]  
**Sent:** Tuesday, June 11, 2013 1:13 PM  
**To:** bill@oaklandmss.com  
**Subject:** RE: Negotiations on extension of OMSS's vacation date

Bill, the agenda report I'm currently working on is due to be heard by the Board on 6/27. It needs a second reading on July 11th. Provided the Board authorizes the lease, and there are no delays for the agenda report, we should be ready to lease to the City on July 12th.

Chris Peterson  
Chief Wharfinger  
Port of Oakland  
Off: 510-627-1308  
Cell: 510-719-8024

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**From:** Bill Aboudi [mailto:bill@oaklandmss.com]  
**Sent:** Tuesday, June 11, 2013 11:56 AM  
**To:** Chris Peterson  
**Subject:** FW: Negotiations on extension of OMSS's vacation date

Hello Chris,  
Can you give us a timeline of when we can start our move via the City Lease?  
Bill

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**From:** Monetta, John [mailto:JMonetta@oaklandnet.com]  
**Sent:** Tuesday, June 11, 2013 10:50 AM  
**To:** D. Dexter Vizinau  
**Cc:** bill@oaklandmss.com; Blackwell, Fred; McElhaney, Lynette; Wang, Hui; Cole, Doug; Kernighan, Pat; Reid, Larry; Jai Jennifer; George McDaniel  
**Subject:** RE: Negotiations on extension of OMSS's vacation date

Dexter:

Could you ask that question to the Port. That would be very helpful.

John Monetta  
Project Manager I

City of Oakland  
250 Frank Ogawa Plaza, 5<sup>th</sup> Floor  
Oakland, CA 94612  
510.238.7125 (office)  
510.377.6388 (cell)

10/17/2013

**From:** D. Dexter Vizinau [mailto:devizent@aol.com]

**Sent:** Tuesday, June 11, 2013 10:43 AM

**To:** Monetta, John

**Cc:** bill@oaklandmss.com; Blackwell, Fred; McElhaney, Lynette; Wang, Hui; Cole, Doug; Kernighan, Pat; Reid, Larry; Jai Jennifer; George McDaniel

**Subject:** Re: Negotiations on extension of OMSS's vacation date

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Can we get an occupancy date with the Port?

*Sent from my MOTOROLA ATRIX™ HD on AT&T*

"Monetta, John" <JMonetta@oaklandnet.com> wrote:

Hi Dexter. Please see the attached letter sent to the Port May 17 requesting the 5-acres.

John Monetta  
Project Manager I

City of Oakland  
250 Frank Ogawa Plaza, 5<sup>th</sup> Floor  
Oakland, CA 94612  
510.238.7125 (office)  
510.377.6388 (cell)

**From:** D. Dexter Vizinau [mailto:devizent@aol.com]

**Sent:** Monday, June 10, 2013 3:55 PM

**To:** Monetta, John

**Cc:** bill@oaklandmss.com; Blackwell, Fred; McElhaney, Lynette; Wang, Hui; Cole, Doug; Kernighan, Pat; Reid, Larry; Jai Jennifer; George McDaniel

**Subject:** Re: Negotiations on extension of OMSS's vacation date

Has the City requested the 5 acres from the Port. This has to happen in order to expedite OMSS move.  
Dexter

*Sent from my MOTOROLA ATRIX™ HD on AT&T*

"Monetta, John" <JMonetta@oaklandnet.com> wrote:

Bill:

Thank you for the email Friday. I apologize. My blackberry went kaput Friday night and I didn't get into the office yesterday. I did leave you a message from my personal phone.

I'm in the office today if you have time to chat. Please call me on my personal cell at 415.745.5967. Thank you.

10/17/2013

If you are not available today, I'm available Monday between 9:30am-1pm, 2pm-3pm & 4pm-7pm.

I look forward to speaking with you.

John Monetta  
Project Manager I

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City of Oakland  
250 Frank Ogawa Plaza, 5th Floor  
Oakland, CA 94612  
510.238.7125 (office)  
510.377.6388 (cell)

-----Original Message-----

From: Bill Aboudi [<mailto:bill@oaklandmss.com>]  
Sent: Friday, June 07, 2013 9:34 PM  
To: Monetta, John  
Cc: Blackwell, Fred; McElhaney, Lynette; Wang, Hui; Cole, Doug; Kernighan, Pat; Reid, Larry; 'Dexter D Vizinau'; 'Jai Jennifer'; 'George McDaniel'  
Subject: RE: Negotiations on extension of OMSS's vacation date

Hello John,  
You're a hardworking man! I will be at a meeting at the Airport Hilton from 10am - 2pm on Saturday if that works for you?  
Bill  
c 510-604-0466

-----Original Message-----

From: Monetta, John [<mailto:JMonetta@oaklandnet.com>]  
Sent: Friday, June 07, 2013 6:42 PM  
To: Bill Aboudi  
Cc: Blackwell, Fred; McElhaney, Lynette; Wang, Hui; Cole, Doug; Kernighan, Pat; Reid, Larry; Dexter D Vizinau; Jai Jennifer; George McDaniel  
Subject: RE: Negotiations on extension of OMSS's vacation date

Bill:

I understand from Hui that you would like to discuss the extension document.  
Are you available Saturday around noon to discuss it? Or Sunday afternoon? I apologize, I've been tied up the past two days working on a number of items.

As noted below in your May 16 email to me, you were prepared to sign the

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extension document that was provided to you in February and again in May?

This extension document is the agreement that has been signed by the Film Center tenants, PCC, Impact Transportation and Urban Recycling Solutions.

While you have committed via email and in person to sign the extension agreement, the written comments you provided on Thursday, May 30 contained a number of items that are contrary to the basic purpose of the agreement and other comments that cannot be agreed to by the City. My letter to you dated June 4 provides my response to your comments including areas in the agreement the City and its Agent, CCIG, agree with your comment.

I look forward to speaking with you this weekend. If you are not available this weekend, please let me know when you are available on Monday.

Thank you,

John Monetta  
Project Manager I

City of Oakland  
250 Frank Ogawa Plaza, 5th Floor  
Oakland, CA 94612  
510.238.7125 (office)  
510.377.6388 (cell)

-----Original Message-----

From: Bill Aboudi [<mailto:bill@oaklandmss.com>]

Sent: Thursday, May 16, 2013 11:26 AM

To: Monetta, John

Cc: Blackwell, Fred; McElhaney, Lynette; Wang, Hui; Cole, Doug; Kernighan, Pat; Reid, Larry; Dexter D Vizinau; Jai Jennifer; George McDaniel

Subject: Negotiations on extension of OMSS's vacation date

John,

As discussed in this morning's meeting we agree to sign the extension document please send it to me.

I want to do execute this agreement ASAP to avoid the unlawful Detainer filling.

Respectfully,  
Bill Aboudi  
President

10/17/2013

Oakland Maritime Support Services, Inc

10/17/2013

**Reid, Larry**

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**From:** Bill Aboudi [bill@oaklandmss.com]  
**Sent:** Thursday, May 16, 2013 11:26 AM  
**To:** Monetta, John  
**Cc:** Blackwell, Fred; McElhaney, Lynette; Wang, Hui; Cole, Doug; Kernighan, Pat; Reid, Larry; Dexter D Vizinau; Jai Jennifer; George McDaniel  
**Subject:** Negotiations on extension of OMSS's vacation date

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John,  
As discussed in this morning's meeting we agree to sign the extension document please send it to me.  
I want to do execute this agreement ASAP to avoid the unlawful Detainer filling.

Respectfully,  
Bill Aboudi  
President  
Oakland Maritime Support Services, Inc

**Reid, Larry**

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**From:** Bill Aboudi [bill@abtruck.com]  
**Sent:** Thursday, May 09, 2013 6:20 PM  
**To:** McElhaney, Lynette  
**Cc:** Reid, Larry  
**Subject:** FW: OMSS Letter May 9, 2013

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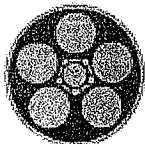
**From:** Kerry Roach [mailto:kroach@californiagroup.com]  
**Sent:** Thursday, May 09, 2013 6:11 PM  
**To:** Bill Aboudi  
**Cc:** Damian Fink; Monetta, John  
**Subject:** OMSS Letter May 9, 2013

Bill,

Please see the attached letter from CCIG.

Regards,

Kerry Roach  
Commercial Brokerage | Asset Management  
[kroach@californiagroup.com](mailto:kroach@californiagroup.com)

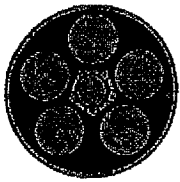


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CALIFORNIA CAPITAL & INVESTMENT GROUP  
The Rotunda Building  
300 Frank Ogawa Plaza, Suite 340 | Oakland, CA 94612  
Office 510.463.6335 | Facsimile 510.225.3954

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10/17/2013



May 9, 2013

*Via First Class Mail, Certified Mail (Return  
Receipt Requested) and Electronic Mail  
bill@abtruck.com*

Mr. William I. Aboudi  
Oakland Maritime Support Services, Inc.  
11 Burma Road  
Oakland, CA 94607

**Re: Triple Net Lease, dated August 7, 2006**

Dear Mr. Aboudi:

As you are aware, the lease between Oakland Maritime Support Services, Inc. ("OMSS") and the City of Oakland Redevelopment Agency, dated August 7, 2006, later amended four times (the "Lease"), terminated at 11:59 p.m. on May 6, 2013. Consequently, OMSS is now a tenant at sufferance, subject to the hold-over provisions of the Lease.

On multiple occasions, we have advised you that the only manner in which the City of Oakland ("City") is willing to negotiate a possible extension of the vacation date is for OMSS to agree to the parameters that were set forth in our letter to you dated February 5, 2013, a copy of which is attached hereto. You have failed to acknowledge our communications on that issue.

We are requesting, one last time, that OMSS confirm in writing by the end of business on Friday, May 10, 2013, that it agrees to the parameters set forth in our February 5, 2013 letter as prerequisites to our negotiations on extension of OMSS's vacation date until May 31, 2013. Once we receive your written confirmation, we will provide you with draft agreements which will need to be finalized and executed by the end of business on May 17, 2013. In the event that OMSS fails to abide by these deadlines, the City will be forced to exercise its rights and remedies under the Lease and otherwise.

Please note that until such time as the parties have entered into a formal written amendment, (1) OMSS will be subject to the hold-over provisions of the Lease, (2)





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neither the expenditure of funds nor the parties' correspondence or discussions shall be regarded as part performance, and (3) either party may terminate negotiations for any or no reason.

If you have any questions or concerns regarding the above, please contact Damian Fink or John Monetta.

Sincerely,

Damian Fink

John Monetta

Enclosure

Cc: Fred Blackwell  
Doug Cole  
Dianne Millner, Esq.

**Reid, Larry**

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**From:** Bill Aboudi [bill@abtruck.com]  
**Sent:** Wednesday, May 15, 2013 4:47 PM  
**To:** JAI@GREENSTONEDEVLLC.COM; DeVizEnt@aol.com; GeorgeEMcDaniel@aol.com  
**Cc:** McElhaney, Lynette; Reid, Larry  
**Subject:** FW: OMSS Notice of Default Letter 5.15.13

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This letter was email to us today, transload is allowed under our lease this was clarified before.

We will discuss in our LDDA meeting tomorrow.

Bill

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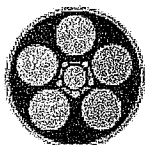
**From:** Kerry Roach [mailto:kroach@californiagroup.com]  
**Sent:** Wednesday, May 15, 2013 3:20 PM  
**To:** Bill Aboudi  
**Cc:** Damian Fink; Monetta, John; Cole, Doug  
**Subject:** OMSS Notice of Default Letter 5.15.13

Bill,

Please see the attached letter from CCIG.

Regards,

Kerry Roach  
Commercial Brokerage | Asset Management  
[kroach@californiagroup.com](mailto:kroach@californiagroup.com)

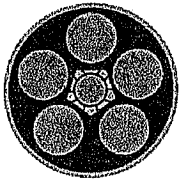


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Office 510.463.6335 | Facsimile 510.225.3954

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10/17/2013



May 15, 2013

*Via First Class Mail, Certified Mail (Return  
Receipt Requested) and Electronic Mail  
bill@abtruck.com*

Mr. William I. Aboudi  
Oakland Maritime Support Services, Inc.  
11 Burma Road  
Oakland, CA 94607

Re: NOTICE OF EVENTS OF DEFAULT

Dear Mr. Aboudi:

On behalf of the Landlord, this letter shall serve as Notice of Events of Default, pursuant to Section 19 of the Triple Net Lease, dated August 7, 2006, and later amended (collectively, the "Lease") by and between the Landlord and Oakland Maritime Support Services, Inc. ("OMSS" or "Tenant").<sup>1</sup>

1. Prohibited Usage: There is currently un-milled lumber being stored on the OMSS leased premises which is not an approved usage under the Lease.

Pursuant to Section 19.1.2 of the Lease, OMSS has ten (10) days to remedy the above outlined defaults.

Landlord expressly reserves all rights, remedies, claims and defenses. More specifically, there may be potential defaults or Events of Default (if they exist) under the Lease that are not identified in this letter, and which are not intended to be and shall not be waived or excused by the Landlord. This reservation is and shall be deemed to be continuing. Nothing in this Notice of Events of Default or in any of our communications with you or any other person or entity is intended as or should be construed as a waiver or estoppel to assert, any right, remedy, claim or defense by the Landlord.

If you have any questions or concerns regarding the above, please contact the undersigned.

Sincerely,

Damian Fink

cc: Fred Blackwell  
Doug Cole  
John Monetta

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<sup>1</sup>Capitalized terms not otherwise defined in this letter shall have the same meaning as set forth in the Lease.