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OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

02 NOV -7 PM 12: 12

RESOLUTION NO. 77538 C.M.S.

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE CONCESSION AGREEMENT WITH MONTCLAIR GOLF ENTERPRISES, INC. TO REQUIRE THE CONCESSIONAIRE TO INSTALL A NEW FIRE HYDRANT, PARKING LOT RETAINING WALL AND DRAINAGE SYSTEM, AND TO COMPLY WITH INCREASED STANDARDS OF MAINTENANCE IN EXCHANGE FOR MODIFYING THE MONTHLY RENT FORMULA AND EXTENDING THE AGREEMENT TERM

WHEREAS, in 1999 the City completed the Montclair Golf Course landslide repair project that resulted in the issuance of a "notice to proceed" for the concessionaire to begin a 2-year capital improvement plan for the golf course facility and a 20-year term; and

WHEREAS, the concessionaire developed renovation plans and specifications but according to the Fire Marshall, the facility did not meet current fire code and a new fire hydrant would be required as a condition of approval for the building permit; and

WHEREAS, the City does not have the funding to install a new fire hydrant and its installation could negatively impact golf course operations due to significant trenching and disruption of golfing operations; and

WHEREAS, the concessionaire has offered to install and maintain, at his sole expense, the new fire hydrant, parking lot retaining wall, and drainage system as part of the capital improvement project and in return, the concession agreement would be amended to reflect a revised monthly rent formula and an extension of the term of the agreement for twenty five (25) years from the date of execution of the amendment; and

WHEREAS, it is in the City's best interest to allow the concessionaire to fund, install, and maintain the new fire hydrant, parking lot retaining wall, and drainage system, with the other approved golf course capital improvements; now, therefore be it

RESOLVED: That the City Manager or his designee is hereby authorized to execute an Amendment to the Master Concession Agreement between the City and Montclair Golf Enterprises, Inc. for the Montclair Golf Course (see attached Amendment) and be it

FURTHER RESOLVED: That the Office of the City Attorney has approved this resolution as to form and legality, and a copy will be on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 1 9 2002

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, MAYNE, NADEL, REID, ~~SPEES~~, WAN AND PRESIDENT DE LA FUENTE -7

NOES- 0

~~ABSENT-~~ Excused. Spees - 1

ABSTENTION- 0

ATTEST:

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California