

*D. Lewis*

Approved as to Form and Legality  
Office of the City Attorney's Office  
OAKLAND CLERK

# OAKLAND CITY COUNCIL

RESOLUTION No. 79759 C.M.S.

2006 FEB 16 PM 9:05

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF OAKLAND AND THE OAKLAND BARRACUDAS AQUATICS FOR NONEXCLUSIVE USE OF LIVE OAK MEMORIAL POOL, FOR \$15 PER HOUR OF USE FOR A THREE YEAR TERM WITH ONE THREE YEAR OPTION TO RENEW**

**WHEREAS**, the City of Oakland is the fee simple owner and the Office of Parks and Recreation ("OPR") is the custodial agency of the real property, commonly known as Live Oak Memorial Pool located at 1055 MacArthur Blvd. Oakland, California 94611, ("Property"); and

**WHEREAS**, Oakland Barracuda Aquatics ("Barracudas"), a California 501(c)(3) non-profit corporation, desires to continue the use of the Property for the purpose of operating a competitive swim team and learn to swim programs; and

**WHEREAS**, the Barracudas annually assist OPR in hosting swim meets for the Special Olympics; and

**WHEREAS**, the Barracudas will provide swim instructors at no cost to the City to assist with implementation of OPR's partnership with the YMCA "First Wave" initiative to teach every Oakland third grade student how to swim; and

**WHEREAS**, the Barracudas agree to pay \$15 per hour for use of Live Oak Memorial Pool in the first year of the License Agreement and agree to periodic fee increases to be detailed within the License Agreement; and

**WHEREAS**, the Barracudas agree to abide by the terms and conditions set forth in the License Agreement; now therefore, be it

**RESOLVED:** That the City Administrator is authorized to negotiate and execute a License Agreement and any amendments thereto between the City of Oakland and the Oakland Barracuda Aquatics for nonexclusive use of Live Oak Memorial Pool, for a three year term with one three year option to renew; 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, MAR - 7 2006, 20\_\_\_\_.  
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, ~~REID~~ and ~~PRESIDENT DE LA FUENTE~~ *-2*

NOES- *0*

ABSENT- *0*

ABSTENTION- *0*

*Excused - Reid, DeLaFuente - 2*

ATTEST: *LaTonda Simmons*  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California