

2006 FEB 16 PM 3:00  
**OAKLAND CITY COUNCIL**

**RESOLUTION No. 79760 C.M.S.**

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF OAKLAND AND PETER PAN COOPERATIVE NURSERY SCHOOL FOR NONEXCLUSIVE USE OF MAXWELL HOUSE AND THE ADJOINING PLAY AREA, LOCATED AT 4618 ALLENDALE AVENUE, OAKLAND FOR \$1,000 PER MONTH FOR A THREE YEAR TERM WITH TWO CONSECUTIVE THREE YEAR OPTIONS TO RENEW**

**WHEREAS**, Peter Pan Cooperative Nursery School has operated a cooperative nursery school at Maxwell House for more than 22 years; and

**WHEREAS**, Peter Pan Cooperative Nursery School is a California 501(c)(3) non-profit corporation dedicated to providing high quality preschool education for Oakland families; and

**WHEREAS**, the City of Oakland is the fee simple owner and the Office of Parks and Recreation is the custodial agency of the real property commonly known as Maxwell House and the adjoining play area, located at 4618 Allendale Avenue, Oakland, California; and

**WHEREAS**, Peter Pan Cooperative Nursery School desires to continue use of Maxwell House and the adjoining play area for the purpose of operating a cooperative nursery school; and

**WHEREAS**, the City is willing to grant to Peter Pan Cooperative Nursery School a revocable nonexclusive license for the use of Maxwell House and the adjoining play area subject to the terms and conditions of a License Agreement; and

**WHEREAS**, Peter Pan Cooperative Nursery School agrees to provide janitorial and custodial care to the building and adjacent park and electricity, gas, and telephone services to the property; and

**WHEREAS**, Peter Pan Cooperative Nursery School agrees to pay a monthly license fee of one thousand dollars (\$1,000), to Licensor on the first day of each and every month of the license period during the initial license period with annual increases based on the Consumer Price Index and other factors specified in the License Agreement; and

**WHEREAS**, Peter Pan Cooperative Nursery School agrees to provide adequate liability insurance as stipulated in the license agreement; and

**WHEREAS**, the license will leverage existing City resources for additional services to the community with no increased costs to the City's budget; and

**WHEREAS**, the license agreement shall be for a three-year term with two consecutive three-year options to renew; now, therefore be it

**RESOLVED:** that the City Council hereby authorizes the City Administrator or her designee to negotiate and execute a license agreement and any amendments between the City of Oakland and Peter Pan Cooperative Nursery School for the continued use of Maxwell House and the adjoining play area, located at 4618 Allendale Avenue in Oakland, California for \$1,000 per month for a three-year term with two consecutive three-year options to renew; and be it


**FUTHER 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, , 2006

**MAR - 7 2006**

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, ~~REID~~ AND ~~PRESIDENT DE LA FUENTE~~ 

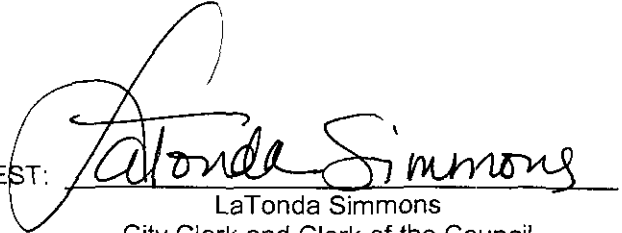
NOES- 

ABSENT- 

ABSTENTION- 

Excused- Reid, De La Fuente - 2

ATTEST:

  
LaTonda Simmons

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