

OAKLAND CITY COUNCIL 2006 FEB 16 PM 9:05
RESOLUTION No. 79758 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF OAKLAND AND THE TEMESCAL AQUATICS MASTERS FOR NONEXCLUSIVE USE OF TEMESCAL 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 Temescal Pool located at 371-45th Street, Oakland, California 94609, ("Property"); and

WHEREAS, the Temescal Aquatic Masters ("Temescal Masters"), a California 501(c)(3) non-profit corporation, desires to continue the use of the Property for the purpose of operating a United States Masters Swimming program; and

WHEREAS, the Temescal Masters is a registered United States Masters Swimming Club serving swimmers of all levels, athletes of all types, and people of all backgrounds; and

WHEREAS, the Temescal Masters hosts a free youth learn-to-swim program each year and sponsors an annual swim-a-thon; and

WHEREAS, the Temescal Masters promote the sport of swimming to the Oakland Community and support OPR's swim programs by providing volunteer officials for all OPR summer swim meets; and

WHEREAS, the Temescal Masters agree to pay \$15 per hour of use of Temescal Pool in the first year of the License Agreement and agree to periodic increases detailed within the License Agreement, and

WHEREAS, the Temescal Masters 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 execute a License Agreement and any amendments thereto between the City of Oakland and the Temescal Aquatics Masters for nonexclusive use of Temescal 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~~ *[initials]*
- NOES- *[initials]*
- ABSENT- *[initials]*
- ABSTENTION- *[initials]*

Excused - Reid, DeLaFuente

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