

OAKLAND CITY COUNCIL

RESOLUTION NO. 79365 FILED C. M. S.
OFFICE OF THE CITY CLERK
OAKLAND

INTRODUCED BY COUNCILMEMBER _____

2005 JUN 30 PM 2:53



RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF OAKLAND OFFICE OF PARKS AND RECREATION AND SEQUOIA NURSERY SCHOOL FOR A THREE-YEAR TERM WITH TWO CONSECUTIVE THREE YEAR OPTIONS TO RENEW

WHEREAS, Sequoia Nursery School has operated a non-profit cooperative morning nursery school at the Sequoia Lodge since 1947; and

WHEREAS, the City of Oakland is the fee simple owner and OPR is the custodial agency of the real property commonly known as Sequoia Lodge, located at 2666 Mountain Blvd, Oakland, California; and

WHEREAS, Sequoia Nursery School desires to continue use of Sequoia Lodge for the purpose of operating a cooperative nursery school known as Sequoia Nursery School; and

WHEREAS, Sequoia Nursery School occupies the lodge five days a week, September through June each year; and

WHEREAS, Sequoia Nursery School is classified under the Internal Revenue Code, Section 501(c)(3) as a tax exempt, public benefit corporation; and

WHEREAS, Licensee shall have two (2) consecutive options to extend the License for an Extended License Period of three (3) years per Extended License Period on the same terms and conditions described in this License provided that specific conditions are satisfied; and

WHEREAS, under the terms of the License Agreement, Sequoia Nursery School will be responsible for paying 50% of all increases of the Project Maintenance Costs over and above the Project Maintenance Costs of the Base Year, and

WHEREAS, the agreement also stipulates that the Sequoia Nursery School provide its own additional custodial service, its telephone and cable television hook-up, services and related charges; and

WHEREAS, Sequoia Nursery School agrees to pay the City a monthly fee of ONE THOUSAND TWO HUNDRED DOLLARS (\$1,200.00), for each month of use of the Initial License Period, as set forth in the Agreement, payable on the first of each month, commencing August 1, 2005 and monthly thereafter on the same day of each and every month for the License Period and Extended License Period, and;

WHEREAS, said Licensee monthly license fee obligation shall cease upon the termination of the License, should Licensee or The City terminated the License pursuant to paragraph 20 of this Agreement; and

WHEREAS, Sequoia Nursery School shall replace the existing hardwood floor at the estimated cost of \$12,500, the work shall commence within six months from the date of the License and shall be completed within six (6) months from the commencement date of the work, and;

WHEREAS, Sequoia Nursery School agrees to reimburse the City for 50% of the estimated cost to replace the hardwood floors. From the date of receiving written notice, Licensee shall then have 90 days, paid in three (3) equal monthly installments to reimburse the City for Licensee's 50% share of the City's cost; and

WHEREAS, Sequoia Nursery School accepts the Property "as is", without any warranty expressed or implied. When the License terminates, at Licensee's own cost, Licensee shall clean and restore the Property to the condition that existed on the day this License Period commenced, except for normal wear and tear; now, therefore be it

RESOLVED: that the City Council approve a resolution authorizing the City Administrator or her designee to execute a license agreement between the City of Oakland and the Sequoia Nursery School for the continued use of the Sequoia Lodge at 2666 Mountain Boulevard for a three-year term with two three-year consecutive 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.

JUL 19 2005

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

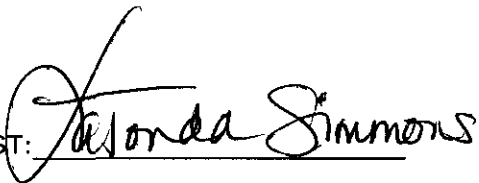
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID AND
PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST: 

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