

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2008 DEC -4 PM 3:59

Approved as to Form and Legality


City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 81739 C.M.S.

Introduced by Councilmember _____

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A TWO-YEAR LEASE AGREEMENT WITH AN ADDITIONAL TWO-YEAR OPTION WITH DAVID AND KATHLEEN STONE FOR A PORTION OF THEIR REAL PROPERTY LOCATED AT 2405 MONTEREY BOULEVARD FOR USE AS A GOLF COURSE FAIRWAY FOR AN AMOUNT NOT TO EXCEED \$6,011.16 FOR THE FIRST YEAR

WHEREAS, since the 1960s, the City of Oakland ("City") has leased a portion of 2405 Monterey Boulevard for a fairway at the Montclair Golf Course (the "Property"); and

WHEREAS, the Property is an integral part of the Golf Course; and

WHEREAS, the Property was sold to David and Kathleen Stone (Owners) in April 2005, and although the Owners offered to sell or exchange the Property, the City did not have funds available to purchase the Property, and the parcel the City was able to offer in exchange was not acceptable to the Owners; and

WHEREAS, the Owners and City decided to continue the lease arrangement and now desire to enter into a new lease for a two-year term with an additional two-year option to extend; and

WHEREAS, the initial annual rent for the Property shall not exceed \$6,011.16; and the Lease shall include an annual increase no greater than the Consumer Price Index (San Francisco-Oakland-San Jose, Ca) ("CPI") increase; and

WHEREAS, the City Council desires to authorize the City Administrator to negotiate and execute a lease agreement for the Property; and

WHEREAS, the requirements of the California Environmental Quality Act of 1970 ("CEQA"), the CEQA Guidelines, as prescribed by the Secretary for Resources and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied; now, therefore be it

RESOLVED: That the City Council finds and determines that it would be in the best interest of the City to enter into a lease agreement for the portion of 2405 Monterey Boulevard that is utilized for the Montclair Golf Course; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to execute a lease agreement for the sum of \$6,011.16 for the initial year to be paid in equal monthly installments, with an annual CPI adjustment thereafter, to be paid through the Golf Course Fund (3200), Real Estate Services Org. (88639) Land Rental Account (53211); and be it

FURTHER RESOLVED: That the City Council has independently reviewed and considered this environmental determination and the Council finds and determines that this action complies with CEQA because this action is exempt from CEQA pursuant to section 15301 (existing facilities) of the CEQA guidelines; and be it

FURTHER RESOLVED: That the City Administrator shall cause to be filed with the County of Alameda, a Notice of Exemption and an Environmental Declaration (California Fish and Game Code Section 711.4); and be it

FURTHER RESOLVED: That the lease and any other related documents shall be approved as to form and legality by the Office of the City Attorney and a copy shall be placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JAN - 6 2009, 2009

PASSED BY THE FOLLOWING VOTE:


AYES - BROOKS, BRUNNER, KAPLAN, 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