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03 JAN 15 AM 9: 25

OAKLAND CITY CONCIL

RESOLUTION NO: 77618 - C.M.S.


FILED
OFFICE OF THE CITY CLERK
OAKLAND

03 JAN 15 AM 9: 1

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND, WITHOUT RETURNING TO THE CITY COUNCIL FOR FURTHER APPROVAL, EXECUTE A FIFTY-FIVE YEAR LEASE AT THE RATE OF \$1 PER YEAR WITH THE OAKLAND UNIFIED SCHOOL DISTRICT FOR A PORTION OF THE PROPERTY AT BELLA VISTA PARK OWNED BY THE SCHOOL DISTRICT.

WHEREAS, the City of Oakland desires to make improvements to the Bella Vista Park, located adjacent to the Bella Vista Elementary School on East 28th Street between 10th and 11th Avenue; and

WHEREAS, a portion of the park is situated on the Oakland Unified School District property and has been used by the School District for school recreational purposes; and

WHEREAS, the Oakland Unified School District and the City of Oakland agree improvement of the park is mutually beneficial; and

WHEREAS, the City of Oakland and Oakland Unified School District desire to execute a long-term lease for the City of Oakland's use and improvement of the Bella Vista Park; and

WHEREAS, negotiation was held between the City of Oakland and Oakland Unified School District regarding the leasing, improvement and use of the park; and

WHEREAS, the project for improvement of the park is designated in the Capital Improvement Plan for FY2001-2002, and funding exists in Fund 5500 – Municipal Capital Improvement, Fund 2110 – Department of Interiors, and Fund 2134 – California Parks & Recreation; now therefore, be it

RESOLVED: That the City Manager, or his designee, is hereby authorized to negotiate and, without returning to City Council for further approval, execute and enter into a fifty-five year lease at the rate of \$1 per year with Oakland Unified School District for the use and improvement of the portion of the Bella Vista Park owned by and situated on the School District property; and be it

FURTHER RESOLVED: That the City Manager, or his designated representative, is hereby authorized to approve any subsequent amendments, modifications, or extensions of said lease, provided that such amendments, modifications, or extensions shall be consistent with the terms of this Resolution and the City Charter, and that funds therefore have been appropriated by the City Council; and be it

FURTHER RESOLVED: That all documents, including the lease and any subsequent amendments, modifications, or extensions of said lease, shall be reviewed and approved by the Office of the City Attorney for form and legality prior to execution, and copies will be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JAN 28 2003, 2003


PASSED BY THE FOLLOWING VOTE:

AYES - BRUNNER, CHANG, ~~BROOKS~~, NADEL, REID, QUAN, WAN AND PRESIDENT DE LA FUENTE - 7

NOES - 0

Excused
ABSENT - BROOKS - 1

ABSTENTION - 0

ATTEST: 
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California