

OAKLAND CITY COUNCIL

RESOLUTION No. 76187 C.M.S.

INTRODUCED BY COUNCILMEMBER _____



RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONCESSION AGREEMENT BETWEEN THE CITY OF OAKLAND AND MONTCLAIR GOLF ENTERPRISES, INC. TO APPROVE A SECURITY ASSIGNMENT OF CONCESSIONAIRE'S INTEREST IN CONCESSION AGREEMENT

WHEREAS, Montclair Golf Enterprises, Inc. is the concessionaire at the Montclair Golf Course under a concession agreement that will expire in the year 2019; and

WHEREAS, the concessionaire cannot assign the Montclair Golf Course concession agreement without the approval of the City Council; and

WHEREAS, the concessionaire is proposing to borrow \$750,000 from the Metropolitan Bank to make required Montclair Golf Course capital improvements estimated at \$1.0 million dollars; and

WHEREAS, the Metropolitan Bank is requiring a security assignment of concessionaire's interest in concession agreement as collateral for the proposed loan; and

WHEREAS, the Concessionaire is assuming the financial risks associated with the proposed Montclair Golf Course capital improvement loan by placing his home as collateral; and

WHEREAS, it is in the City's best interest to amend the Montclair Golf Course concession agreement to approve the security assignment in order for the Montclair Golf Course capital improvements to be funded and completed; now, therefore be it

RESOLVED: That the City Manager or his designee is hereby authorized to amend the concession agreement between the City of Oakland and Montclair Golf Enterprises, Inc. to approve the security assignment of concessionaire's interest in the concession agreement; and be it

FURTHER RESOLVED: That the amendment to the agreement shall provide that in the event of loan default by the Concessionaire, the City of Oakland shall retain final approval of the choice of operator of the Montclair Golf Course pursuant to the assignment by the Concessionaire and Metropolitan **Bank**; 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, (DATE), 19(YEAR) **DEC 12 2000**

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, ~~CHANG~~, MILEY, ~~NADAL~~, REID, ~~WAN~~, SPEES, AND

PRESIDENT DE LA FUENTE -5

NOES- None

ABSENT- Chang/Wan-2

ABSTENTION- Nadal-1

ATTEST



CEDA FLOYD

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