

Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE LEASE WITH ROY YATES FOR EXCESS LAND LOCATED ON THE DELTA WATER SUPPLY PROJECT SITE LOCATED AT 11373 LOWER SACRAMENTO ROAD, STOCKTON, CALIFORNIA

The City Manager, as authorized by Resolution No. 2014-08-12-1205, executed a Lease on behalf of the City of Stockton, as Lessor, with Roy Yates, as Lessee, for 67.12 acres of unused excess land located at 11373 Lower Sacramento Road, Stockton, California; and

The Lessee has proposed an amendment to the Lease to extend the term to five years and extend the option to renew to provide for one additional five year term; and

The proposed amendment benefits the City since it complies with the environmental use and restrictions associated with the property; and is in the interest of the public as it will allow for the continuation of a successful lease thereby supporting and justifying exception to solicit proposals, now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. The City Manager is authorized and directed to amend the Lease by extending the term and option to renew; and adding an annual adjustment to the lease amount based on the Consumer Price Index (CPI), as more particularly described in the First Amendment to Lease, attached hereto as Exhibit 1 and incorporated by this reference.

2. The term of the Lease is extended to five years commencing on September 1, 2014, and terminating on August 31, 2019.

3. The option to renew the Lease is extended to provide for one additional five year term.

4. An annual adjustment based on the CPI is added to the lease amount of the Lease.

5. Notice of Intent to Grant or Lease Real Property Interest was duly published in accordance with the provisions of Article V, Section 510, of the Charter of the City of Stockton on July 11, 2016.

6. The following findings support an exception to the competitive bidding and solicitation of proposals process:

a. Roy Yates has proven to be a beneficial tenant for the City as he has performed and complied with all the terms and conditions of the lease.

b. The leased area has been maintained in an exceptional manner.

c. The proposed amendment benefits the City since it complies with the environmental use and restrictions associated with the property.

d. The proposed amendment is in the interest of the public as it will allow for the continuation of a successful lease.

7. The City Manager, or his designee, is authorized and directed to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Resolution.

PASSED, APPROVED, and ADOPTED July 26, 2016.

ANTHONY SILVA
Mayor of the City of Stockton

ATTEST:

BONNIE PAIGE
City Clerk of the City of Stockton