

RESOLUTION NO. 2008-616

Adopted by the Sacramento City Council

September 9, 2008

APPROVING AMENDMENTS: OPUS FIELDS AT THE NATOMAS BASEBALL COMPLEX (19180000)

BACKGROUND:

- A. The OPUS Fields at the Natomas Baseball Complex is to a 22.81 acre baseball complex adjacent to a 3.21 acre neighborhood park located in South Natomas.
- B. The name of the complex, the master plan, the Addendum to the EIR, the Memorandum of Understanding and Lease Agreement between the City and NYB were approved by Council on April 3, 2007. The 1st Amendment to the Lease Agreement was approved on October 26, 2007.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The City Manager is authorized to execute Amendment No. 1 to the MOU (City Agreement No. 2007-0320) between the City of Sacramento and Natomas Youth Baseball for the construction, maintenance, and operation of the Natomas Baseball Complex.
- Section 2. The City Manager is authorized to execute Amendment No. 2 to the Lease Agreement (City Agreement No. 2007-0321) between the City of Sacramento and Natomas Youth Baseball for the Natomas Baseball Complex.

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- Exhibit 1 – Amendment No. 2 to Lease between the City of Sacramento and Natomas Youth Baseball, Inc. (City Agreement No. 2007-0321)
- Exhibit 2 – Amendment No. 1 to Memorandum of Understanding between the City of Sacramento and Natomas Youth Baseball

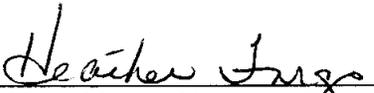
Adopted by the City of Sacramento City Council on September 9, 2008 by the following vote:

Ayes: Councilmembers Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Fargo.

Noes: None.

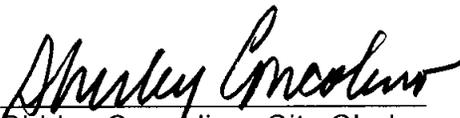
Abstain: None.

Absent: Councilmember Cohn.



Mayor Heather Fargo

Attest:



Shirley Concolino, City Clerk

**AMENDMENT No. 2 TO LEASE BETWEEN THE CITY OF SACRAMENTO
AND NATOMAS YOUTH BASEBALL, INC. (City Agreement No. 2007-0321)**

This Amendment No.2 to City Agreement No. 2007-0321 ("Lease"), executed in Sacramento, California, is made on _____, between the City of Sacramento, a municipal corporation, ("Lessor") and Natomas Youth Baseball, Inc., a California nonprofit corporation, ("Lessee.")

Lessor and Lessee agree that the Lease shall be amended as follows:

1. Section 2.a. is amended to read as follows:

The term of this Lease shall be for twenty (20) years commencing upon final completion and acceptance by the City of the works of improvement to be constructed by NYB on the Premises pursuant to the memorandum of understanding between the City of Sacramento and NYB relating to improvement at the Natomas Baseball Complex ("Initial Lease Term") subject to prior termination by Lessor in the event of a breach of any of the terms or conditions of the Lease. Lessor and Lessee shall execute a certification setting forth the commencement date and the expiration date of the Initial Lease Term of this Lease, which shall be in the form attached as Exhibit "B". In the event the works of improvement are not completed and accepted by Lessor by September 15, 2010, then this Lease shall be voidable in the sole discretion of Lessor.

If Lessee shall for any reason holdover beyond the term with Lessor's consent, express or implied, such holding over shall not be a renewal of this Lease but shall be a month-to-month tenancy subject to the terms and conditions of this Lease or subject to such other terms as Lessor may specify.

2. All other terms of the Lease remain unchanged.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

CITY OF SACRAMENTO,
a Municipal Corporation

By: _____
Ray Kerridge, City Manager

Attest:

CITY CLERK

Approved As To Form:

Michael T. Sparks, Senior Deputy City Attorney

NATOMAS YOUTH BASEBALL,
a California non-profit Corporation

By: _____
Signature

Title

By: _____
Signature

Title

AMENDMENT No. 1 TO MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SACRAMENTO AND NATOMAS YOUTH BASEBALL, INC. (City Agreement No. 2007-0320)

This Amendment No.1 to City Agreement No. 2007-0320 ("MOU"), executed in Sacramento, California, is made on _____, between the City of Sacramento, a municipal corporation, ("Lessor") and Natomas Youth Baseball, Inc., a California nonprofit corporation, ("Lessee.")

Lessor and Lessee agree that the MOU shall be amended as follows:

- 1. Section 1 is amended to read as follows:

This MOU shall be effective when it is signed by both Parties and shall remain in effect until September 15, 2010, or final completion and acceptance by the City of the improvements to be constructed pursuant to this MOU, whichever occurs first.

- 2. All other terms of the MOU remain unchanged.

CITY OF SACRAMENTO,
a Municipal Corporation

NATOMAS YOUTH BASEBALL,
a California non-profit Corporation

By: _____
Ray Kerridge, City Manager

By: _____
Signature

Attest:

CITY CLERK

Title

Approved As To Form:

By: _____
Signature

Michael T. Sparks, Senior Deputy City Attorney

Title