



DATE: April 13, 2010

TO: Board Executive Committee

FROM: Pat O'Brien, General Manager

SUBJECT: Background Information for the April 22, 2010
Board Executive Committee Meeting

ITEM I: **Ardenwood Regional Preserve Management Agreement with the City of Fremont**

John Escobar, Assistant General Manager of Operations, will make a presentation on this agenda item.

BACKGROUND

The Park District entered into a twenty-five year Management Agreement with the City of Fremont ("City") in March of 1981 to operate Ardenwood Historic Farm Regional Preserve. The Management Agreement expired in March of 2007 and has been extended by mutual agreement on a month-to-month basis as permitted under the terms and conditions of the agreement. Negotiations have recently been completed with the City and staff is now prepared to recommend a successor agreement that will extend the Park District's operation of Ardenwood through May of 2060.

In preparation for contract negotiations late in 2006, Planning and Stewardship staff conducted a Land Use Plan Amendment process that received Board adoption in August of 2006. Staff worked closely with the City in the development of the Land Use Plan Amendment which subsequently led to City Council approval of the Plan. Negotiations for the revised management agreement with City staff began shortly after completion of the Land Use Plan Amendment. However, given the stability of the current operating arrangement with the City, other higher priority projects caused the deferral of work on this management agreement. In addition, certain terms and provisions (e.g., City's landmark tree ordinance, City's sign ordinance, special events, and related fees and charges) of the revised management agreement required further review by the District Counsel.

The revised management agreement generally maintains the same roles and responsibilities of the original agreement. The initial term of the revised management agreement is for fifty years with an option to extend the term for an additional forty-nine years. The annual lease payment is one dollar per year. The District maintains the right to terminate the agreement, but must provide the City with two years written notice.

RECOMMENDATION

Staff recommends that the Board Executive Committee approve the revised management agreement. Assuming this item is approved by the Committee, staff will forward it to the full Board of Directors for consideration.

(Note: The draft Management Plan is available for review at www.ebparks.org)