

Date December 17, 2012

APPROVING SETTLEMENT AGREEMENT AND AMENDMENT TO MANAGEMENT AGREEMENT WITH C CORPORATION FOR BRIGHT GRANDVIEW AND WAVELAND GOLF COURSES

WHEREAS, on December 22, 2008, by Roll Call No. 08-2220, the City Council accepted the proposal from C Corporation for the management of Grandview and Waveland Golf Courses effective January 15, 2010 and on March 2, 2009, the City entered into an a Management Agreement with C Corporation; and

WHEREAS, the Management Agreement describes capital improvement projects to be funded and constructed by C Corporation; and

WHEREAS, construction of the Bright Grandview Clubhouse resulted in unforeseen loss of use of parking spaces and some damage to green #9 also occurred, which C Corporation alleges led to a loss of play and revenues at Grandview Golf course; and

WHEREAS, with the experience of the last 3 years of operations at Grandview and Waveland Golf Courses, C Corporation and Park and Recreation Department staff have identified changes to the capital improvement projects described in the Management Agreement that would be more beneficial to the Golf Courses and would be a more efficient use of funds but would retain the same total amount of funding by C Corporation; and

WHEREAS, the Park and Recreation Department staff and C Corporation have negotiated a Settlement Agreement and Amendment to Management Agreement for Bright Grandview and Waveland Golf Courses, a copy of which is on file in the City Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the Settlement Agreement and Amendment to Management Agreement Between C Corporation and the City of Des Moines for Bright Grandview and Waveland Golf Courses , which is on file in the City Clerk's Office, is hereby approved and the Mayor is hereby authorized and directed to sign such agreement on behalf of the City and the City Clerk is hereby directed to attest to said signature.

(Council Communication No. 12-633

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

Mayor

City Clerk