

OHLONE COMMUNITY COLLEGE DISTRICT

MEMORANDUM

TO: Board of Trustees

FROM: Gari Browning

DATE: September 9, 2009

SUBJECT: First Amendment to Operating Lease Agreement between East Bay Regional Park District (EBRPD) and Ohlone Community College District

The District has an agreement with EBRPD to lease approximately 350 acres of real property on the eastern border of the Fremont campus. The first lease was entered into in April 1978. Subsequent leases agreements were put in place as prior agreements expired. The current lease is for a five year period and terminates on November 2009.

The terms of the current lease allow the EBRPD to use the premises “. . . only for the purpose of maintaining, controlling, improving, and operating a public park and recreational facility . . .” The current lease also provided that in lieu of rent the EBRPD “. . . construct a safe trail head access to replace use of the drainage ditch as access . . .” which was accomplished within three months following approval of the lease. The EBRPD also provides the District with a valuable service as it maintains and controls vegetation and underbrush on the property, reducing the risk of a damaging wildfire. The lease agreement has, in effect, proven to provide benefits to the District and the EBRPD over the past thirty-one years.

The EBRPD is desirous of continuing the provisions of the current lease for another five year term. The lease amendment and area map are included for the Board’s review. Note that EBRPD is proposing to create a new pedestrian access gate at the Witherly Lane terminus to prevent users from accessing the area by climbing the existing fence. This new gate will be installed by EBRPD at their expense. The attached documents have been reviewed and approved by the District’s legal counsel.

RECOMMENDATION

The President/Superintendent recommends that the Board of Trustees approve the First Amendment to the Operating Lease Agreement between EBRPD and the District.