

**Resolution authorizing payment to Foresight Corpus Christi Golf LLC for
claim settlement of \$60,250 in replacement expenses for the Oso Golf
Course cart barn damaged by fire on September 30, 2016**

Whereas, the golf cart barn at the Oso Beach Golf Course was destroyed by fire on September 30, 2016;

Whereas, the insurance proceeds of \$95,734.24 were received and appropriated by City Council into the Golf Capital Reserve Fund on April 18, 2017; and additional funds of \$54,265 were appropriated by the City Council for said purpose on June 25, 2017;

Whereas, Texas Local Government Code Section 252.022 (a)(3) exempts procurements necessary because of unforeseen damage to public property from competitive bidding requirements;

Whereas, the City Council finds that to the extent that any payment provided hereunder constitutes a purchase or acquisition, that such purchase and/or acquisition is declared to be a procurement made because of unforeseen damage to public property and exempted from competitive bidding requirements pursuant to Texas Local Government Code Section 252.022;

Whereas, in City Contract No. 2010-396 on October 26, 2010, the City of Corpus Christi ("the City") and Foresight Corpus Christi Golf LLC ("Foresight") entered into a Lease Agreement ("the Lease Agreement") for the Oso Beach Golf Course and the Gabe Lozano Golf Course;

Whereas, pursuant to the Lease Agreement, any improvements made to the Oso Beach Golf Course property will inure to the benefit of the City at the expiration or termination of the Lease Agreement;

Whereas, following request by City-employed personnel, Foresight made commitments for improvements and acquisitions for its leasehold on the Oso Beach Golf Course for replacement of the cart barn (the "improvements and acquisitions") including, as follows: delivery of metal building, installation of foundation, related expenses, including onsite portable restroom for workers, builders risk insurance cost, windstorm certification for portions of the building, ADA review, and fees for company performing installation services.

Whereas, the City Council finds that the City is liable for a claim for the improvements and acquisitions in quantum meruit because (1) valuable services or materials provided by Foresight Corpus Christi Golf LLC to the City, (2) which has accepted the services or materials, (3) under such circumstances as would reasonably notify Foresight Corpus Christi Golf LLC that Foresight Corpus Christi Golf LLC expected to be paid.

Now, therefore, be it Resolved by the City Council of the City of Corpus Christi, Texas, that:

Section 1. That the recitals reflected above are true and accurate and hereby incorporated into this Resolution.

Section 2. That the City Manager or designee is authorized to settle the claims in quantum meruit for the aforementioned improvements and acquisitions in the amount of \$60,250.

ATTEST:

THE CITY OF CORPUS CHRISTI

Rebecca Huerta
City Secretary

Joe McComb
Mayor

Corpus Christi, Texas

_____ of _____, _____

The above resolution was passed by the following vote:

Joe McComb	_____
Rudy Garza	_____
Paulette Guajardo	_____
Michael Hunter	_____
Debbie Lindsey-Opel	_____
Ben Molina	_____
Lucy Rubio	_____
Greg Smith	_____
Carolyn Vaughn	_____