

**Resolution authorizing payment to Foresight Corpus Christi Golf LLC for  
final claim settlement of \$4,372.00 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 July 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: final ADA inspection, final billing and installation of cart chargers.

**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 \$4,372.00.

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 \_\_\_\_\_