



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Lapse of Golf Driving Range Option (DeBenedetti Park)

MEETING DATE: August 17, 1994

PREPARED BY: City Attorney

RECOMMENDED ACTION: Council information/ratification if appropriate.

BACKGROUND INFORMATION: As the Council will recall on May 18, 1994 it granted to Kenneth Choo an option on the DeBenedetti Park site for use as a driving range. However, we were informed by Mr. Choo that he was also looking at an alternative site near the intersection of Harney and West Lanes. Mr. Choo has now chosen to locate his business there and has no further interest in the DeBenedetti site. I have personally spoken with Mr. Choo and his attorney, Bob Mertz, to confirm this. This understanding was memorialized in a letter to Mr. Choo dated August 2, 1994 (attached).

Since Mr. Choo never formally signed the lease agreement itself, which contained an August 1 deadline for him to exercise his options, I have informed him that the City now considers the offer to enter into a lease rescinded.

Although no further action is mandatory, the Council may wish to ratify this position or to direct staff otherwise if that is desired.

FUNDING: Not applicable.

Respectfully submitted,

Bob McNatt
City Attorney

BM:pn

CCCHOO/TXTA.01V

APPROVED _____

THOMAS A. PETERSON
City Manager



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CITY COUNCIL

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City Attorney

August 2, 1994

Mr. Kenneth Choo
c/o Bob Mertz, Esq.
111 West Pine Street
Lodi, California 95240

Subject: Recision of Driving Range Lease at DeBenedetti Park

Dear Mr. Choo:

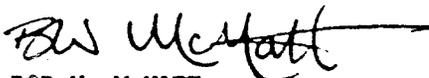
As we discussed a couple of weeks ago, I am pleased that your alternative proposal for a driving range at Harney and West Lanes has been approved by San Joaquin County. I am sure you will do well at that location.

For the purpose of keeping our "paper trail" in order, this letter will serve to rescind the offer to enter into a lease for the DeBenedetti Park site, even though you never signed the original lease. As you will recall, that lease had an August 1, 1994 deadline for you to either affirm the lease or give up the DeBenedetti Park site. Since your alternative location has been approved and you have given the City notice that you will not be locating at DeBenedetti Park, we should probably tie up loose ends.

For that purpose, this matter will be placed on the City Council's August 17, 1994 agenda in order to give the Council and public notification that you have decided to allow your option to lease the property to lapse. In this way, we can keep everyone involved advised of the project's status.

Once again, good luck on your new operation. I look forward to working on my swing when you open.

Best Regards,



BOB W. McNATT
City Attorney

BM:pn

cc: City Council
Parks & Recreation
City Manager
B.O.B.S.