

Ken Smith  
Contract 110012

AMENDMENT No. 1  
TO  
QUITCLAIM AND SURRENDER

For East Bay Botanical Society,  
9777 Golf Links Road  
Mr. L. F. Ludwig, President  
Oakland, Calif. 94605

WHEREAS, heretofore and on or about the 16th day of July, 1956, the City of Oakland, acting by and through its Park Commission (hereinafter "City"), and East Bay Botanical and Zoological Society, a non-profit corporation (hereinafter "Society") entered into an agreement respecting the management of Knowland State Park and Arboretum entitled "Quitclaim and Surrender" in which Society quitclaimed and surrendered to City all of its right, title and interest under that certain "Agreement and Sublease" entered into by and between the same parties on December 1, 1949, except for one acre thereof, together with reasonable means of access thereto, and except for all concession fees from the zoo area; and

WHEREAS, said quitclaim and surrender agreement further provided that Society would expend all concession fees received by it exclusively ". . . for the animal collection or for the improvement of the physical property of the Zoo, and not otherwise;" and

WHEREAS, the parties to said quitclaim and surrender agreement desire to amend the same by enlarging the purposes for which the concessions fees may be expended by Society to include certain administrative costs of Society;

W I T N E S S E T H:

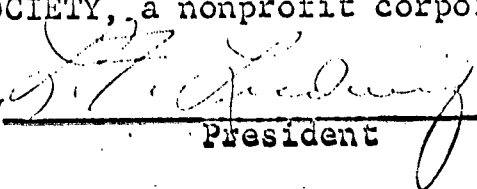
The parties to said quitclaim and surrender agreement mutually agree that Paragraph 4 of said agreement be amended to read as follows:

"4. It is expressly understood and agreed that until December 1, 1974, all concession fees from the

proposed new Zoo area as designated on drawing No. 31-D-23, dated August, 1926, entitled 'Topographical Map of the De Vaux Property, Oakland, Alameda County, California' and hereby made a part of this Quitclaim and Surrender, shall be the property of the Society. Society excepts from this quitclaim and reserves to itself the continued right to receive all such fees and to operate all such concessions within the zoo area. Admission fees to the zoo and charges for the use of picnic areas shall not be deemed concession fees. Society agrees that all concession fees received by it shall be expended exclusively for the animal collection; for the improvement of the physical property of the zoo; for costs of not to exceed \$25,000 per annum for an executive director, and staff, to administer the affairs of Society; and not otherwise. Society agrees that said concessions in said zoo shall be permitted and conducted pursuant to the spirit of paragraphs 8 and 9 of the aforementioned Agreement and Lease between the State Park Commission of the State of California and the City of Oakland."

IN WITNESS WHEREOF, the East Bay Botanical and Zoological Society has caused the foregoing to be executed, and the City of Oakland, by its City Manager thereunto duly authorized by Resolution No. 52929 C.M.S. of the council of said city has caused the same to be executed for and on behalf of the City of Oakland, this 7<sup>th</sup> day of February, 1973.

EAST BAY BOTANICAL AND ZOOLOGICAL  
SOCIETY, a nonprofit corporation

By   
President

CITY OF OAKLAND, a municipal corporation

By *[Signature]*  
City Manager  
ACTING ASSISTANT CITY MANAGER

Approved as to form and legality:

*George M. Cabralan*  
Assistant City Attorney

The Department of Parks and Recreation of the State of California, for and on behalf of the State of California, hereby consents to the foregoing amendment to said quitclaim and surrender agreement between the City of Oakland and the East Bay Botanical and Zoological Society.

DATED:

I hereby certify that all conditions for exemption set forth in State Administrative Manual Section 1201.13 have been complied with and this document is exempt from review by the Department of Finance.

STATE OF CALIFORNIA  
DEPARTMENT OF PARKS AND RECREATION

By *[Signature]*

APPROVED:

LAWRENCE R. ROBINSON, JR.  
Director of General Services

957	POLICY	INDEXED
Department of General Services		
APPROVED		
APR 9 1973		
<i>Frank E. Oliver</i>		
BY		
Deputy Director		

OAKLAND CITY COUNCIL  
52929

RESOLUTION No. \_\_\_\_\_ C. M. S.

INTRODUCED BY COUNCILMAN \_\_\_\_\_

RESOLUTION AUTHORIZING THE EXECUTION OF  
AMENDMENT No. 1 TO QUITCLAIM AND SURRENDER  
AGREEMENT BETWEEN THE CITY OF OAKLAND AND  
THE EAST BAY BOTANICAL AND ZOOLOGICAL  
SOCIETY TO EXPAND PURPOSES FOR WHICH CON-  
CESSION FEES MAY BE EXPENDED BY SOCIETY.

RESOLVED: That the City Manager of the City of  
Oakland be and he hereby is authorized and directed to  
execute for and on behalf of the City of Oakland an agreement  
entitled "Amendment No. 1 to Quitclaim and Surrender" between  
the East Bay Botanical and Zoological Society, a non-profit  
corporation, and the City of Oakland to enlarge the purposes  
for which concession fees from the zoo area of Knowland State  
Park and Arboretum may be expended by Society to include  
certain administrative costs of Society. A copy of said  
Amendment No. 1 to Quitclaim and Surrender is on file in the  
office of the City Clerk of the City of Oakland.

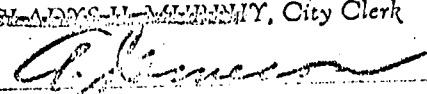
I certify that the foregoing is a full, true and correct copy of a  
Resolution passed by the City Council of the City of Oakland, Calif.,

on FEB 1 1973

GLADYS H. MURPHY, City Clerk

ROBERT C. JACOBSEN

Per



Deputy