

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH BDM TENNIS, LLC. FOR TENNIS SERVICES AT OAK CREEK TENNIS CENTER WITHIN THE CITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Carrollton, Texas (the “City”) is a Home Rule municipality possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code and its Home Rule Charter; and

**WHEREAS**, City Council of the City of Carrollton, Texas (“City Council”) provides a variety of recreation services, including a tennis center, to its citizens in order to improve residents’ quality of life; and

**WHEREAS**, the City Council desires to enter into an agreement with BDM Tennis, LLC, in accordance with the terms set forth herein, defining the scope of tennis services at Oak Creek Tennis Center and a base rental fee of \$4,000.00 per month to be paid by BDM Tennis, LLC, plus a percentage of revenue if revenue exceeds an established threshold, for the operation of the Tennis Center (“Agreement”); and

**WHEREAS**, the Agreement shall be for a term not to exceed 5 years, will include performance measures, and provide for open play, leagues, lessons and pro shop sales; and

**WHEREAS**, the Agreement will further provide that in the event of impossibility of performance the Agreement may be terminated; and

**WHEREAS**, upon full review and consideration of the terms and conditions set forth herein, and all matters attendant and related thereto, the City Council is of the opinion that City Manager shall be authorized to negotiate and execute an agreement on behalf of the City of Carrollton;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CARROLLTON, TEXAS, THAT:**

**SECTION 1**

All of the above premises are found to be true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified and incorporated into the body of this Resolution as if copied in their entirety.

## SECTION 2

The City Manager is hereby authorized to negotiate and execute an agreement and all other documents in connection therewith on behalf of the City of Carrollton, substantially according to the terms and conditions set forth in this Resolution.

## SECTION 3

This Resolution shall take effect upon passage.

**DULY PASSED AND APPROVED** by the City Council of the City of Carrollton, Texas this 19<sup>th</sup> day of April, 2016.

CITY OF CARROLLTON, TEXAS

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Matthew Marchant, Mayor

ATTEST:

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Laurie Garber, City Secretary

APPROVED AS TO FORM:

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Meredith A. Ladd  
City Attorney

APPROVED AS TO CONTENT:

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Scott Whitaker  
Parks and Recreation Director