

# RESOLUTION NO. 87-085

ADOPTED BY THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO  
ON DATE OF

October 13, 1987


APPROVING SECOND AMENDMENT TO  
PARKING STRUCTURE USE LICENSE FOR  
CAPITOL PLAZA HOLIDAY INN HOTEL

BE IT RESOLVED BY THE REDEVELOPMENT AGENCY OF THE CITY OF  
SACRAMENTO:

Section 1: The Executive director is hereby authorized to  
execute the attached amendment to the Parking Structure Use  
License dated October 22, 1977, between the Redevelopment  
Agency of the City of Sacramento and John Q. Hammons,  
representing Capitol Plaza Holiday Inn, for the parking garage  
located on the block bounded by 3rd, 4th, J and L Streets.

  
\_\_\_\_\_  
CHAIRMAN

ATTEST:

  
\_\_\_\_\_  
SECRETARY

RESOLUTION 87-085  
OCT 13 1987

AMENDMENT TO  
PARKING STRUCTURE USE LICENSE

THIS AMENDMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 1987, by and between the REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO, a public body, corporate and politic (herein called the "Agency"), and JOHN Q. HAMMONS, an individual (herein called "Hotel").

WITNESSETH:

WHEREAS, Agency and Hotel entering into a Parking Structure Use License dated October 22, 1977 (the "Original Agreement"), in connection with the use and operation of the parking structure and/or facilities by guests of Hotel;

WHEREAS, Agency and Hotel amended such Use License on October 25, 1982; and

WHEREAS, the parties desire to amend said Use License to update the provisions thereof.

NOW, THEREFORE, it is agreed that the Parking Structure Use License dated October 22, 1977, and amended on October 25, 1982, shall be amended as follows:

1. Subsection (a) of Section 4 shall be deleted in its entirety. Substituted in lieu thereof shall be a new subsection (a) to read:

"(a) Initial Term. For each month Hotel shall pay to Agency the total value of the total parking tickets using the aforementioned Parking Facilities. Said total value shall be computed according to the following hourly parking fee schedule:

6 a.m. to 6 p.m.	\$.25 per hour for first three hours \$.75 per hour for each hour thereafter until 6 p.m.
6 p.m. to 6 a.m.	\$.45 maximum; \$.25 first hour; \$.20 second hour

**RESOLUTION 87-085**  
**OCT 13 1987**

Such rates may be increased by the same percentage as any City of Sacramento city-wide parking rate increases using the September 1, 1987 city-wide rate as the base. For example, if the City of Sacramento increases its fourth plus hourly day rate from \$1.25 to \$1.50 (a 20 percent increase), the Hotel fourth plus hourly day rate could be increased by 20 percent from \$.75 to \$.90.

Any increases in Hotel's parking rates authorized by this subsection shall be subject to adjustment pursuant to the following annual review. On or about September 1, 1988 and on or about September 1 of each year thereafter, Agency, or its representative of Hotel shall meet to compare the actual amount the City of Sacramento billed to Hotel in the prior fiscal year to the amount which Hotel would have been obligated to pay to the Agency under the Original Agreement. In the event that the amount billed differs by 5 percent or more from the amount due under the Original Agreement, the Agency shall adjust the Hotel's parking rates in a manner likely to yield the amount due under the Original Agreement in that fiscal year. Such adjustment shall become effective on or before October 1 provided that Hotel provides to Agency on or before September 1 documentation, reasonably adequate in the opinion of Agency, which verifies the Hotel average room rate in the immediately prior fiscal year.

To the extent possible, adjustments shall be made by changing the night rate. Day rates shall be adjusted only if an adjustment in the night rate is likely to be inadequate to yield the amount due under the Original Agreement. Adjustments shall not be made to retroactively rectify differences between the amount billed and the amount due under the Original Agreement prior to the time of each annual review.

Annual adjustments may be either up or down; provided, however, that no adjustment shall result in a Hotel parking rate higher than a then prevailing City of Sacramento city-wide parking rate.

The amount due to Agency from Hotel under the Original Agreement on a fiscal year basis shall be calculated as follows:

6.125 times 365 times the average Hotel room rate in the prior fiscal year (July 1 to June 30).

2. A new Section 12 shall be added to read:

In the event the Hotel expands its square footage in a manner likely to increase parking demand, this Agreement may be renegotiated to take into account such increased parking demand.

**RESOLUTION 87-085**

**OCT 13 1987**

Except as modified herein, all other terms and conditions of the Parking Structure Use License dated October 22, 1977, and the amendment thereto dated October 25, 1982, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment to Parking Structure Use License as of the date first above written.

REDEVELOPMENT AGENCY OF THE CITY  
OF SACRAMENTO

APPROVED AS TO FORM:

\_\_\_\_\_  
Agency Counsel

BY

\_\_\_\_\_  
William H. Edgar  
Executive Director

JOHN Q. HAMMONS

BY \_\_\_\_\_

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**RESOLUTION 87-085**

**OCT 13 1987**