



RESOLUTION No. 17-197

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION AUTHORIZING EXECUTION OF AMENDMENT NO. 3 TO GRANT AGREEMENT BETWEEN COUNTY OF NEVADA AND OAK TREE PARK AND RECREATION DISTRICT

WHEREAS, on June 11, 2013, the Board of Supervisors approved a Grant Agreement with the Oak Tree Park and Recreation District to allocate \$45,900 in Recreation Mitigation Funding to the Oak Tree Community Park Pavilion project per Resolution 13-199; and

WHEREAS, the expiration date for the Oak Tree Community Park Pavilion project Grant Agreement was on August 12, 2014; and

WHEREAS, the Park District needed additional time to submit an application and obtain approval for a Use Permit to develop new use areas at Oak Tree Community Park prior to commencing construction of the pavilion project; and

WHEREAS, Resolution 14-383 was adopted by the Board of Supervisors on August 12, 2014, amending the contract and extending the expiration date an additional eighteen months to February 12, 2016; and

WHEREAS, the Park District needed to redesign the project in order to avoid environmental impacts and because of the redesign and the use of only volunteers the process took longer than expected; and

WHEREAS, Resolution 16-117 was adopted by the Board of Supervisor on March 22, 2016, amending the contract and extending the expiration date an additional 15 months to May 12, 2017; and

WHEREAS, the Park District received approval of the Use Permit in September of 2016 but still has not completed the project and is requesting additional time beyond the expiration date of May 12, 2017 to complete the Pavilion project; and

WHEREAS, there is sufficient budget available to complete this project in budget code 1628-70101-325-1000/532200.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Nevada, State of California, that Amendment No. 3 to the Grant Agreement between County of Nevada and Oak Tree Park and Recreation District dated June 11, 2013, to extend the expiration date to May 12, 2018, be and hereby is approved, and that the Chair of the Board of Supervisors be and is hereby authorized to execute Amendment No. 3 on behalf of the County of Nevada.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 9th day of May, 2017, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Hank Weston and Richard Anderson.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By:  _____



Hank Weston, Chair

5/09/2017 cc: Planning*
AC*
OTP&RD

**THIRD AMENDMENT TO GRANT AGREEMENT BETWEEN COUNTY OF NEVADA
AND OAK TREE PARK AND RECREATION DISTRICT**

THIS AMENDMENT is executed this 9th day of May, 2017 by and between OAK TREE PARK AND RECREATION DISTRICT, hereinafter referred to as "Park District" and COUNTY OF NEVADA, hereinafter referred to as "County". Said Amendment will renew and amend the prior agreement between the parties entitled Park and Recreation Mitigation Fees FY 2012/13 Grant Agreement executed on June 11, 2013 by Resolution No. 13-199 and amended on August 12, 2014 by Resolution No. 14-383 and on March 22, 2016 by Resolution 16-117.

WHEREAS, Park District needs additional time to complete construction of the pavillon project at the Oak Tree Community Park; the specific use area authorized in the grant agreement executed by Resolution No. 13-199 and amended by Resolution No. 14-383 and Resolution 16-117. The Use Permit was approved on September 22, 2016 but the OTRPD is still behind in completing the Pavilion and other associated aspects of the project that utilizes the Mitigation Funding. Obtaining the Use Permit took much effort and more time than the District estimated. Since the Use Permit was approved the OTRPD started finalizing the design and siting of the Pavilion and met with engineers to discuss the design and make appropriate changes. The design and the actual location of both the pavilion and associated ADA parking spaces has been finalized. The OTRPD is contacting contractors and volunteers and is in the process of receiving bids for the project. The final site design and Use Permit approval was a major hurdle for the OTRPD and the Park now finds it is necessary to extend the implementation schedule for the Pavilion project. Therefore, Park District is requesting an additional twelve months beyond the expiration date of May 12, 2017 to complete the pavilion project which requires a contract amendment; and

WHEREAS, the parties desire to amend their agreement to provide an additional twelve months for the Park District to complete the Oak Tree Community Park Pavilion project; and


NOW, THEREFORE, the parties hereto agree as follows:

1. This amendment shall be effective as of May 9, 2017.
2. That paragraph 2 shall be changed to the following: ORGANIZATION shall obtain all approvals for and shall execute the Project so that within sixty-three (63) months after the Effective Date of this Agreement, or by May 12, 2018, the Project shall be completed to the satisfaction of, and accepted by, the COUNTY and the ORGANIZATION, and shall be ready and available for public use; provided, however, that said timeframe may be extended by mutual written agreement of the parties. Any funds not utilized by ORGANIZATION within this timeframe shall be retained by COUNTY and may be reallocated to other qualifying projects.
3. That in all other respects the prior agreement of the parties shall remain in full force and effect except as amended herein.

APPROVED AS TO FORM:
COUNTY COUNSEL

By: 

COUNTY OF NEVADA

By: 
Chair of the Board
of Supervisors

ATTEST:

By: 
Julie Patterson-Hunter
Clerk of the Board of Supervisors

OAK TREE PARK AND RECREATION
DISTRICT:

By: 