



RESOLUTION No. 16-117

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

**RESOLUTION AUTHORIZING EXECUTION OF A
SECOND AMENDMENT 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, the Park District is requesting an additional fifteen months beyond the expiration date of February 12, 2016, 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 the grant agreement between County of Nevada and Oak Tree Park and Recreation District dated June 11, 2013 be renewed and amended to extend the expiration date to May 12, 2017.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 22nd day of March, 2016, by the following vote of said Board:

Ayes: Supervisors Nathan H. Beason, 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: 



Dan Miller, Chair

3/22/2016 cc: Planning*
AC*(hold)

3/24/2016 cc: Planning*
OTP&RD
AC*(release)

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

THIS AMENDMENT is executed this 22nd day of March, 2016 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.

WHEREAS, Park District needs additional time to obtain approval for a Use Permit to develop new use areas at the Oak Tree Community Park prior to commencing construction of the pavilion project; the specific use area authorized in the grant agreement executed by Resolution No. 13-199 and amended by Resolution No.14-383. Due to limited resources, Park District is utilizing volunteers to prepare the application materials for the required Use Permit. Upon submission of its preliminary application materials to the Planning Agency for the Use Permit it became evident that the OTPRD needed to revise many aspects of the project that posed numerous potential environmental impacts due to the locations and types of future use areas. After months of correspondence the OTPRD decided to eliminate and/or relocate future use areas, including relocating the pavilion use area, to avoid environmental impacts. The site redesign was a major hurdle for the Oak Tree Community Park and the Park now finds it is necessary to extend the implementation schedule for the Pavilion project. Therefore, Park District is requesting an additional fifteen months beyond the expiration date of February 12, 2016 to complete the pavilion project which requires a contract amendment; and

WHEREAS, the parties desire to amend their agreement to provide an additional fifteen 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 March 22, 2016.
2. That paragraph 2 shall be changed to the following: ORGANIZATION shall obtain all approvals for and shall execute the Project so that within fifty-one (51) months after the Effective Date of this Agreement, or by May 12, 2017, 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

OAK TREE PARK AND RECREATION
DISTRICT:

By:  _____

Clerk of the Board of Supervisors