

Attachment D

MEMORANDUM OF UNDERSTANDING

by and between the
COUNTY OF MONTEREY
and the
PAJARO/SUNNY MESA COMMUNITY SERVICES DISTRICT

Operation and Maintenance of the Pajaro Neighborhood Park

This MEMORANDUM OF UNDERSTANDING ("MOU") is entered into as of 12/15, 2015 by and between the COUNTY OF MONTEREY ("County"), a body corporate and politic, and the PAJARO/SUNNY MESA COMMUNITY SERVICES DISTRICT ("CSD"), a public corporation, with reference to the following facts:

RECITALS

WHEREAS, Monterey County owns, maintains and operates public parks throughout the county and is dedicated to providing quality recreational facilities to the citizens of the County; and,

WHEREAS, the former Redevelopment Agency of the County of Monterey worked with the community of Pajaro from 2006 through 2013 to fund, design, and construct a new 5-acre public park in that community (the "Project"); and,

WHEREAS, the Project directly benefits Monterey County residents by providing public park facilities that are within walking distance from the entire Pajaro community, and play a role in improving the lives of residents by enhancing community involvement in health, education and pride; and,

WHEREAS, the Pajaro Neighborhood Park was named the American Public Works Association's "2015 Public Works Project of the Year"; and,

WHEREAS, on October 22, 2013 the Successor Agency to the Redevelopment Agency and the CSD entered into a Real Property Acquisition and Project Transfer Agreement, whereby the CSD agreed to accept title to the park and responsibility for the Project, on the terms set forth in that Agreement, upon the close of escrow after the approval of a Notice of Completion for the construction of the park; and,

WHEREAS, on February 12, 2014 a Grant Deed was recorded transferring ownership of the completed park to the CSD; and,

WHEREAS, funding for design and construction of the Project included a \$5.0 million Proposition 84 grant from the State Department of Parks and Recreation; and,

WHEREAS, a key condition of the Proposition 84 Grant required that the park must be operated and maintained by a public agency as a public park through June 30, 2039, a period of twenty five years from the date of completion. The Pajaro/Sunny Mesa Community Services District (CSD) accepted this responsibility through an *Operation and Maintenance MOU* dated December 4, 2012; and,

WHEREAS, the CSD estimates the annual cost to operate and maintain the park to be approximately \$53,000 per year; and,

WHEREAS, the CSD has engaged in fundraising efforts managed by the United Way of Monterey County that have raised approximately \$75,000 in donations over the last three years and has not resulted in a sufficiently sustainable revenue source to cover all annual costs associated with maintenance and operations of the Pajaro Neighborhood Park; and,

WHEREAS, the Pajaro Neighborhood Park provides much-needed recreational services to all residents of the unincorporated area of Monterey County, and the County finds it to be in the public interest, and will provide a public benefit, to continue its support of the Project for the duration of the CSD's commitment to provide maintenance and operations services by funding \$25,000 per year to pay for a portion of the CSD's cost to operate and maintain the park; and,

WHEREAS, the parties desire to complete a *MEMORANDUM OF UNDERSTANDING* to implement the payment of these funds to the CSD.

NOW, THEREFORE, in consideration of mutual covenants and agreements contained herein, the parties hereto agree as follows:

1. The Pajaro/Sunny Mesa Community Services District hereby confirms to the County of Monterey the District's prior agreements with the former Redevelopment Agency and with the Successor Agency related to the ownership and operation of the Pajaro Neighborhood Park through June 30, 2039; and

2. The County of Monterey agrees to contribute to the Pajaro/Sunny Mesa Community Services District the sum of \$25,000 from the County's General Fund in every fiscal year from the date of this MOU through June 30, 2039 to pay a portion of the District's cost to operate and maintain the Pajaro Neighborhood Park.

3. The obligation described herein is contingent upon the Board of Supervisors appropriating the necessary sum every fiscal year in its budget; however, the County covenants to use its best efforts to so appropriate every fiscal year.

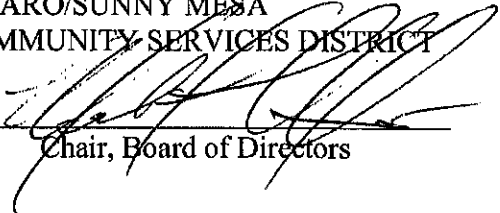
IN WITNESS WHEREOF, the parties, intending to be legally bound, have executed this *MEMORANDUM OF UNDERSTANDING* on the date first written above.

COUNTY OF MONTEREY

By: 

Chair, Board of Supervisors

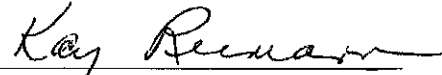
PAJARO/SUNNY MESA
COMMUNITY SERVICES DISTRICT

By: 

Chair, Board of Directors

APPROVED AS TO FORM:

County Counsel

By: 

Sr. Deputy