

**FUNDING AGREEMENT
BETWEEN THE
COUNTY OF MONTEREY
AND THE
COUNTY OF MONTEREY AS SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY**

THIS AGREEMENT, entered into this 22nd day of May, 2012, by and between the County of Monterey ("County") and the County of Monterey as Successor Agency to the Redevelopment Agency of the County of Monterey ("Successor Agency"), is made with reference to the following facts and circumstances:

RECITALS

WHEREAS, the Monterey County Board of Supervisors adopted the Boronda Redevelopment Plan on November 22, 1988, by Ordinance No. 3358, in order to eliminate blight within the redevelopment project area and improve the health and safety of residents of those communities, as well as the County in general; and

WHEREAS, the Boronda Redevelopment Plan authorized the Redevelopment Agency of the County of Monterey ("Agency") to assist in the provision of, among other things, public improvements; and

WHEREAS, the County and Agency entered into Funding Agreement No. 10489 (the "Funding Agreement") on June 20, 2006, whereby the Agency agreed to provide funding to assist in the installation of storm drains and related improvements known as the Hyland Drive/El Rancho Way Storm Drain/Street Improvement Project (the "Project"); and

WHEREAS, pursuant to the adoption of ABx1 26 by the State Legislature, and the decision in *California Redevelopment Association v. Matosantos* (2011) 53 Cal.4th 231, the Agency was dissolved effective February 1, 2012, and replaced by the Successor Agency; and

WHEREAS, pursuant to ABx1 26, including *inter alia* Health and Safety Code §§ 34179-34181, certain actions of the Successor Agency are to be reviewed and approved by a duly constituted Oversight Board; and

WHEREAS, due to delays in construction and additional work required for the Project related to proper integration of the Project's improvements with front yard and driveway improvements of adjacent private property owners, it is necessary to provide additional funding to complete the Project, as described in Section 1 below; and

WHEREAS, pursuant to Health and Safety Code § 348180(h), on April 26, 2012 the Oversight Board for the Successor Agency approved a request by the Successor Agency to enter into this agreement with the County in order to complete the Project; and

WHEREAS, the proposed funding of these Professional Services Agreements by the Successor Agency is still within the amounts contemplated by the original 2006 Funding Agreement and will not result in any increase to the Project's total budget.

NOW, THEREFORE, in consideration of the mutual promises, the sufficiency of which is hereby acknowledged, the County of Monterey and the County of Monterey as Successor Agency to the Redevelopment Agency of the County of Monterey agree as follows:

1. The Successor Agency shall provide the amount of Three Hundred Twenty Five Thousand, Six Hundred Ninety Five Dollars (\$325,695) to the County as follows:
 - a. One Hundred Thirty Eight Thousand Five Hundred Seventy Nine Dollars (\$138,579) to complete payments under a Contract for Construction between the County and Monterey Peninsula Engineering dated March 29, 2011.
 - b. One Hundred Sixty Five Thousand Ninety Two Dollars (\$165,092) to amend the Professional Services Agreement dated November 9, 2010, between the County and MNS Engineers, Inc, for a total contract amount of Four Hundred One Thousand Four Hundred Twenty Dollars (\$401,420).
 - c. Twenty Two Thousand Twenty Four Dollars (\$22,024) for a new Professional Services Agreement between the County and Whitson and Associates, Inc., in order to complete the work described in the Professional Services Agreement, dated December 15, 2009 between the Agency and Whitson and Associates, Inc., as amended.
2. The County shall direct the County Public Works Department to consult with the Successor Agency regarding all aspects of the design and construction of the Project, and to expeditiously process any necessary approvals or other documentation, in order to ensure that the Project will be completed as soon as possible with no other funds required.
3. This Agreement may be amended only by an instrument in writing approved and executed by the parties hereto.

IN WITNESS WHEREOF, the parties hereto executed this Agreement as of the date set forth above.

COUNTY OF MONTEREY

COUNTY OF MONTEREY AS
SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY OF
THE COUNTY OF MONTEREY

Dave Potter, Chair, Board of Supervisors

Dave Potter, Chair, Board of Supervisors

Date

Date

Approved as to form:
COUNTY COUNSEL

Kay Reenan

6/4/12

Date