

## ATTACHMENT A

AMENDMENT NO. 1 TO MEMORANDUM OF UNDERSTANDING A-08204

between

THE CITY OF GREENFIELD

and

THE COUNTY OF MONTEREY

concerning

THE YANKS AIR MUSEUM AND PROJECT

\_\_\_\_\_, 2012

WHEREAS, the City of Greenfield (“City”) and County of Monterey (“County”) entered into a Memorandum of Understanding (“MOU”), dated April 25, 2000, regarding the proposed Yanks Air Museum and project (“Project”); and

WHEREAS, the MOU provided for, in part, the phasing and eventual annexation of the Project site into the City; and

WHEREAS, the City and County desire to amend those provisions in order to facilitate successful completion of the Project; NOW THEREFORE,

The City and County agree as follows:

1. Paragraph 2 of the Terms and Conditions of the MOU is amended to read as follows:

Annexation of the Site to the City. The development will occur through phasing. The County agrees to support annexation to the City of Greenfield for each phase of development upon the issuance of certificates of occupancy for all structures within the phase, or two (2) years after the first certificate of occupancy is issued for any structure in the phase, whichever event occurs first. Notwithstanding the aforesaid phased plan for annexation, the County agrees to support annexation of the entire parcel to the City of Greenfield no later than ten (10) years after the issuance of the first certificate of occupancy. The County agrees to support annexation of approximately 134.67 acres to the City of Greenfield (the “Annexation Site”), consisting of the Yanks development project (“Yanks Project”) but excluding 306 acres placed in an Agricultural Conservation Easement (“Easement Site”). Said annexation may occur as a single action or in phases. If phased, annexation of any phase of the Yanks Project shall occur no later than two (2) years after a certificate of occupancy is issued for all structures within that phase of the project, and annexation of the entire Annexation Site shall occur no later than ten (10) years after the issuance of the first certificate of occupancy for any phase of the project. If as a single action, annexation shall be completed no later than [insert date]. City agrees to accept contiguous roads, as determined by the

County, as part of the annexation. The Parties agree that Land Conservation (Williamson Act) Contract #71-041 was amended by the County in 1994 removing a portion of the Yanks property from the Williamson Act Contract. Prior to approval of the annexation, a lot-line adjustment application shall be processed to realign the boundary of the Williamson Act Contract and the existing Parcel A and Parcel B, as shown on the Record of Survey recorded at Vol. 25 of Surveys Page 73, to conform said parcel configurations to coincide with Annexation Site and the Easement Site . The intent of the Parties is that the entire Yanks Project, including the airstrip, will be annexed into the City, that no development occur on lands under Williamson Act contract, and that buffers established through project approvals be maintained to avoid impact of the development on neighboring agricultural operations. Notwithstanding the above, the County agrees that annexation of any phase of the Yanks Project, or annexation of the entire Annexation Site may occur at any time prior to the timelines set forth above upon notification by the City of Greenfield to the County that it is initiative the annexation process. If annexation of the entire Annexation Site to the City occurs prior to completion of a phase of the Yanks Project, or completion of the entire Yanks Project, the City and County agree that:

- a) development of the Yanks Project within the City shall be substantially consistent with the Board of Supervisors project approval and environmental review, as reflected in Monterey County Resolution 97-445 and the subsequent extensions thereof;
- b) all planning and building permits shall be consistent with applicable City and County General Plans; and
- c) City shall consult with County regarding conditions of approval adopted by the Board of Supervisors, such that compliance meets County's intent.

2. Except as specifically amended, the terms and conditions of the MOU remain the same.

IN WITNESS WHEREOF, this MOU has been executed by the duly authorized officers of each of the parties.

COUNTY OF MONTEREY

CITY OF GREENFIELD

By \_\_\_\_\_  
Chair, Board of Supervisors

By \_\_\_\_\_  
Mayor

APPROVED AS TO FORM

APPROVED AS TO FORM

CHARLES J. MCKEE, County Counsel

By \_\_\_\_\_  
Leslie J. Girard  
Chief Asst. County Counsel

\_\_\_\_\_  
John Bakker  
City Attorney