

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 October 22, 2013 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

A. 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”).

B. Funding for the Project included a \$5.0 million Proposition 84 grant from the State Department of Parks and Recreation.

C. A key condition of the Proposition 84 Grant requires 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. The Pajaro/Sunny Mesa Community Services District (CSD) accepted this responsibility through an *Operation and Maintenance MOU* dated December 4, 2012.

D. The Successor Agency to the Redevelopment Agency of the County of Monterey (Successor Agency) has succeeded to the rights and obligations of the former Redevelopment Agency, including rights, responsibilities and obligations related to the Project.

E. On October 22, 2013 the Successor Agency and the CSD entered into a Real Property Acquisition and Project Transfer Agreement, whereby the CSD will 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.

F. The CSD estimates the annual cost to operate and maintain the newly-completed park to be approximately \$125,000 per year. The CSD anticipates funding such costs through private donations and has received pledges therefor.

G. The FY13-14 Budget approved by the Board of Supervisors on June 25, 2013 included a recommended contribution of \$25,000 to the CSD to assist in paying for the CSD’s cost for the first year of operation.

H. 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.

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 to fund a portion of the first year start-up cost to operate and maintain the recently-completed Pajaro Neighborhood Park during FY 2013-14.

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

PAJARO/SUNNY MESA
COMMUNITY SERVICES DISTRICT

By: _____
Chair, Board of Supervisors

By: _____
Chair, Board of Directors

APPROVED AS TO FORM:
County Counsel

By: _____
Deputy