MEMORANDUM OF UNDERSTANDING
(AMENDING MOU/BOS AGREEMENT NO. 10-152)

This Memorandum of Understanding (MOU) entered into on the _______ day of ______________________, 2015 ("Effective Date"), by and between the County of Mendocino (hereinafter referred to as "the County") and the City of Ukiah (hereinafter referred to as "the City"): 

Whereas, on September 14, 2010, the City and the County entered into an MOU (BOS Agreement No. 10-152) regarding the operation and maintenance of Low Gap Regional Park and defining the Park Use Area; and 

Whereas, the MOU described the County's development of portions of the Park Use Area for a parking facility, picnic tables, playground, tennis courts, volleyball courts, and a Rotary Club memorial grove; and 

Whereas, subsequent to definition of the Park Use Area, the City developed a portion of APNs 001-020-12 and 001-030-01 (owned by the City) including a trail system, referred to as "City View Trail" (more specifically identified in Exhibit A); and 

Whereas, as City View Trail is commonly accessed through the Park Use Area, and therefore it is appropriate to amend the existing Park Use Area to include this trail system as part of Low Gap Regional Park.

Now, therefore, the following are additional terms and conditions of the MOU:

1. The County will continue, at its own expense, to operate, manage, provide oversight of, and maintain the Park Use Area (now to include City View Trail) for the uses currently conducted on that property as part of the County Regional Park on Low Gap Road. The County shall maintain and keep the current facilities on the Park Use Area in a condition which allows for public use of the facilities for their intended purposes. The County shall not permit or maintain a dangerous condition of public property thereon.

2. In the event that the County does not operate, manage, provide oversight of, and maintain the facilities on the Park Use Area and within the County Regional Park on Low Gap Road in its current condition, and in a condition as required by Section 1 of MOU (BOS Agreement No. 10-152), as of the Effective Date, the City shall have the right to provide written notice to the County of any conditions that violate the requirements of this Section 2. The County must provide a written response to the City, setting forth remedies which are acceptable to the City within 15 days of its receipt of the written notice.

3. County will comply with all federal, state, and local laws and ordinances as may be applicable to the carrying out this MOU.

4. The Term of the MOU shall commence on ____________, 2015 shall continue until ____________, 2030. This MOU may be extended on its
same terms and conditions, for a period not to exceed twenty (20) years, upon
written agreement between the County and City.

5. All other terms and conditions as specified in the original MOU
(BOS Agreement No. 10-152) shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed these
presents in duplicate original the day and year first above written.

CITY OF UKIAH                        COUNTY OF MENDOCINO

By: ________________________________    BY: ________________________________
    CITY MANAGER                        CARRE BROWN, Chair
                                           Board of Supervisors

Date: ________________________________    Date: ________________________________

ATTEST:

By: ________________________________    By: ________________________________
    CITY CLERK                          CLERK OF THE BOARD

APPROVED AS TO FORM:

By: ________________________________    By: ________________________________
    CITY ATTORNEY                      DOUGLAS LOSAK,
                                        Acting County Counsel

INSURANCE REQUIREMENTS:

By: ________________________________    By: ________________________________
    ALAN D. FLORA,
    Assistant CEO/Risk Manager