

## **FIRST AMENDMENT TO AGREEMENT**

THIS FIRST AMENDMENT TO AGREEMENT (Amendment) entered into as of this 2<sup>nd</sup> day of May, 2019 amends the Agreement dated November 9, 2017 and entered into between the CITY OF FRESNO, a municipal corporation (City), and Fresno Building Healthy Communities, a California non-profit corporation (User).

### **RECITALS**

City and User entered into an Memorandum of Understanding (MOU) to allow Fresno BHC to construct a BMX Park at the Mary Ella Brown Community Center (Center) located at 1350 E. Annadale Ave., for the purpose of benefiting the community (Agreement); and

The City and User desire to amend the Agreement to provide the final scope, timeline and budget for the Mary Ella Brown Community Center BMX Park (Project).

### **AGREEMENT**

NOW, THEREFORE, the parties agree the Agreement shall be amended as follows:

1. Section 2 – Item A (ii)
  - a. Contribute to Fresno BHC \$335,140 towards the construction of the BMX Park at the Center, to be maintained in a separate account and used solely for direct costs of construction of the BMX Park.
2. Section 3 – General Scope
  - a. City acknowledges the Scope of the Project outlined in Attachment A
3. Section 3 – Project Scope and Timeline
  - a. City acknowledges the Timeline for the Project outlined in Attachment B
4. Section 3 – Project Budget
  - a. City acknowledges the Budget for the Project as outlined in Attachment C

In the event of any conflict between the body of this Amendment and any exhibit or attachment hereto, the terms and conditions of the body of this Amendment shall control and take precedence over the terms and conditions expressed within the exhibit or attachment. Furthermore, any terms or conditions contained within any exhibit or attachment hereto which purport to modify the allocation of risk between the parties, provided for within the body of this Amendment, shall be null and void.

IN WITNESS WHEREOF, the parties have executed this Amendment at Fresno, California, the day and year first above written.

CITY OF FRESNO,  
A California municipal corporation

By: \_\_\_\_\_

TJ Miller  
Interim PARCS Director

FRESNO Building Healthy Communities  
A California non-profit organization

By: \_\_\_\_\_

Name: Sandra Celedon-Castro

Title: President & CEO  
(If corporation or LLC., Board Chair,  
President, or Vice President)

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

By:  4-25-19 Date  
Brandon M. Collet John Hasty  
Deputy City Attorney

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_  
(If corporation or LLC., CFO, Treasurer  
Secretary or Assistant Secretary)

ATTEST:  
YVONNE SPENCE, CMC  
City Clerk

By: \_\_\_\_\_  
Deputy

REVIEWED BY:

\_\_\_\_\_

ADDRESSES:  
CITY:  
City of Fresno  
Attn: TJ Miller  
1515 E. Divisadero Street  
Fresno, CA 93721-1115  
Phone: (559) 621-2919

USER:  
Fresno Building Healthy Communities  
Attn: Sandra Celedon  
4991 E. McKinley Ave. Suite 109  
Fresno, CA 93727  
Phone: (559) 256-8723