

Friendly Amendment Proposed By Roger McVeigh

Proposed Resolution by Joy N

There will be a resolution for you to consider on Thursday regarding the latest ILA that was sent to us last Monday from the County. Member Nulisch is sponsoring a measure to approve the Monday ILA with the following changes:

- City deeds HAWK to County in 30 days after approval by City Commission. (no change)
OK, agreed
- City has 6 months to remove everything from HAWK- materials and equipment. Whatever remains after 6 months is property of the County. (previously was 30 days with no surrender provision)
OK, agreed
- Bike path plans to be created and submitted to County within 12 months to be approved by County Commission and submitted to all local, state, and federal agencies for approval and to be paid for *equally* between City and County. (previous offer was for Airport Director to approve and City and County to “share” in construction costs).
OK, but eliminate City deadline (12 months) and eliminate required approval of BOCC who is approving the path by approving this ILA
- HAWK to remain open for public access and recreation the way it currently is.
OK, but HAWK may be used in the future for other recreation purposes as proposed in the Master Plan (referred to amendment below) and approved by regulatory authorities
- County to install an appropriate memorial to Richard Recupero at a place and in a manner acceptable by City. (request of Mr. Cintron at last PRAB meeting)
OK, agreed
- County to build an open recreational field at Higgs or HAWK approx. 300’x100’ subject to design submitted by City within 12 months.
OK, but eliminate City deadline (12 months)
- If County fails to build the rec field within 5 years, they are to pay \$1million in liquidated damages to the City.
Not necessary, 5 years is too long and need for \$1 million in liquidated damages is eliminated by County paying \$2.5 million payment proposed in amendment below

This proposal does not involve any ownership or leasehold interests of Higgs Beach by the City.

Add this Friendly Amendment to Joy N Resolution (simplifies arrangement and eliminates many uncertainties)

County provides City with \$2.5 million prior to deeding HAWK to be used exclusively for the benefit of the City of KW Parks and Recreation facilities. The use of the funds can be

restricted to costs of moving City materials and equipment from HAWK site, cost of engaging a Park Planning Consultant to develop a Master Plan for all City controlled open space along government road, including HAWK, White Crowned Pigeon Reserve, and Little Hamaca Park, the planning, design, and development of the Multi-Use Recreation Trails connecting Govt Road to Las Salinas and Smather's Beach contemplated in the 2019 Bicycle and Pedestrian Master Plan, and the design and development of a new recreation field wherever possible, at Higgs, HAWK, or another location. To the extent these qualifying costs exceed \$2.5 million, the County agrees to reimburse City for 50% of qualifying costs in excess of the \$2.5 million up to a total County outlay of \$5 million.