

BILL NO. S-13-01-15

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving SECOND
AMENDMENT TO AGREEMENT FOR
HEADWATERS PARK MANAGEMENT
SERVICES between THE HEADWATERS PARK
ALLIANCE and the City of Fort Wayne, Indiana, in
connection with the Board of Park Commissioners.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

SECTION 1. That the SECOND AMENDMENT TO
AGREEMENT FOR HEADWATERS PARK MANAGEMENT SERVICES by
and between THE HEADWATERS PARK ALLIANCE and the City of Fort
Wayne, Indiana, in connection with the Board of Park Commissioners, is
hereby ratified, affirmed and approved in all respects, respectfully for:

Extention of the Agreement for Headwaters Park
Management Services for three (3) years and all
Memoranda Agreements and Letters of Agreement from
January 1, 2013 through December 31, 2013 and first (1st)
year payment;

involving a total annual cost of ONE HUNDRED THOUSAND AND 00/100
DOLLARS - (\$100,000.00). A copy said Contract is on file with the Office of
the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect
from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney



Bill To
BOARD OF PARK COMMISSIONERS
CITY OF FORT WAYNE
705 EAST STATE BLVD
FORT WAYNE, IN
46805

Requisition 13121004-00 FY 2013

Acct No:
0121-536H -60-03-0121-A100-00-53
Review:
Buyer:
Status: Allocated

Page 1

Vendor
HEADWATERS PARK ALLIANCE
110 W BERRY STE 1006

Ship To
BOARD OF PARK COMMISSIONERS
CITY OF FORT WAYNE
705 EAST STATE BLVD
FORT WAYNE, IN 46805

FORT WAYNE, IN 46802

Date Ordered	Vendor Number	Date Required	Ship Via	Terms	Department
01/04/13	008670				PARKS

LN Description / Account	Qty	Unit Price	Net Price
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General Notes

~~Garry Morr~~

001 SERVICE AGREEMENT, CONTRACTING ALL TYPES COMMENT - Vendor Item	1.00 EA	100000.00000	100000.00
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1 0121-536H -60-03-0121-A100-00-53			100000.00
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Ship To
BOARD OF PARK COMMISSIONERS
CITY OF FORT WAYNE
705 EAST STATE BLVD
FORT WAYNE, IN 46805

Bid Number:

Requisition Link

Requisition Total

100000.00

***** General Ledger Summary Section *****

Account

0121-536H -60-03-0121-A100-00-53

Amount Remaining Budget

100000.00

.00

SECOND AMENDMENT TO AGREEMENT FOR HEADWATERS PARK

THIS SECOND AMENDMENT TO AGREEMENT FOR HEADWATERS PARK is made as of the 15 day of November, 2012, by and between the Headwaters Park Alliance, Inc. ("HPA"), an Indiana nonprofit corporation, and the Fort Wayne Board of Park Commissioners ("Park Board").

WHEREAS, HPA and the Park Board have entered into an Agreement for Headwaters Park dated September 17, 2009, as amended by a First Amendment to Agreement for Headwaters Park dated March 18, 2010 (together, the "Agreement") for the management by HPA of Headwaters Park in Fort Wayne, Indiana (the "Park");

WHEREAS, the Park Board, through the Fort Wayne Parks and Recreation Department ("Parks Department") and HPA desire to extend the Agreement from December 31, 2012 through December 31, 2015, and the parties desire to amend the Agreement accordingly.

NOW, THEREFORE, in consideration of the promises and covenants contained herein, the parties do hereby agree as follows:

1. Section 3 of the Agreement is deleted in its entirety and replaced with the following:

The term of this Agreement shall commence on January 1, 2013, and terminate on December 31, 2015, unless sooner terminated by the Park Board or HPA as provided in this Agreement. This Agreement may be renewed for additional three (3) year terms, upon the written agreement of both parties.

2. Section 6(D) of the Agreement is deleted in its entirety and replaced with the following:

The Park Board through the Fort Wayne Parks and Recreation Department ("Parks Department") shall pay to HPA annually for the following time periods the following amounts ("Park Board Contribution"):

<u>Time Period</u>	<u>Park Board Contribution</u>
January 1, 2013 through December 31, 2013	\$100,000
January 1, 2014 through December 31, 2014	To be determined
January 1, 2015 through December 31, 2015	To be determined

The Parks Department shall provide written notice to HPA by August 31, 2013 of the amount of the Park Board Contribution for the time period of January 1, 2014 through December 31, 2014 and by August 31, 2014 of the amount of the Park Board Contribution for the time period of January 1, 2015 through December 31, 2015.

The parties desire that the Park Board Contribution for 2014 and 2015 will be at least the same as the amount for 2013. Notwithstanding the foregoing, the parties acknowledge that, for reasons beyond the control of HPA and the Park Board, the amount of the Park Board

Contribution for the years 2014 or 2015 may not be adequate public funding for HPA to fulfill its obligations under this Agreement. Therefore, HPA shall have an opportunity to request additional funds from the Park Board in either or both of the years 2014 or 2015 which request shall be made on or before September 15 of the year in which such request is made and to terminate this Agreement if such additional funding is not granted. If HPA elects to terminate this Agreement because the requested additional funding is not granted, HPA shall give written notice to the Park Board of HPA's termination no later than November 30 of the then current year, and such termination shall be effective at the close of business on December 31 of the then current year.

The Park Board Contribution for the term of this Agreement shall be paid in equal quarterly installments on or before January 31, April 30, July 31, and October 31.

3. The Agreement, as amended remains in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment to Agreement for Headwaters Park as of the date first written above.

**FORT WAYNE BOARD OF PARK
COMMISSIONERS**

By: [Signature]

Its: President

By: [Signature]

Its: Vice President

By: [Signature]

Its: Commissioner

By: _____

Its: _____

[Signature]
Al Moll, Director of Fort Wayne Parks and
Recreation Department

HEADWATERS PARK ALLIANCE, INC.

By: [Signature]

Its: President

Memo

To: Members of Fort Wayne Common Council

From: Al Moll – Director of Parks and Recreation

CC: **Diane Brown**

Date: January 14, 2013

Re: Headwaters Park Contract

The Parks and Recreation Department is requesting approval of the 2013 annual contract with Headwaters Park in the amount of \$100,000. This request satisfies the agreement between the Board of Park Commissioners and the Headwaters Park Alliance and provides the Park Departments annual contribution for operations.

The funding source for this agreement will be the 2013 Park General Fund that has already been approved by the City Council and Board of Park Commissioners. This submission also satisfies a recent Internal Audit finding to bring the approval before City Council even though it represents an internal charge. It is important to note that this contribution on behalf of the City and Park Department has been reduced over 30% in recent years.