

DATE SUBMITTED 05/29/2024
 SUBMITTED BY COMMUNITY DEVELOPMENT DIRECTOR
 DATE ACTION REQUIRED 06/05/2024

COUNCIL ACTION (x)
 PUBLIC HEARING ()
 REQUIRED RESOLUTION ()
 ORDINANCE 1ST READING ()
 ORDINANCE 2ND READING ()
 CITY CLERK'S INITIALS ()

**IMPERIAL CITY COUNCIL
AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE COUNTY OF IMPERIAL, THE 45 TH DISTRICT AGRICULTURAL ASSOCIATION AND THE CITY OF IMPERIAL 1. APPROVAL OF MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE COUNTY OF IMPERIAL, THE 45 TH DISTRICT AGRICULTURAL ASSOCIATION AND THE CITY OF IMPERIAL	
DEPARTMENT INVOLVED: COMMUNITY DEVELOPMENT	
BACKGROUND/SUMMARY: The City of Imperial secured funding from the Imperial County Transportation Commission (ICTC) in the amount of \$165,000 for the removal and replacement of the existing chain-link fence located along the easterly side of Highway 86 from 2nd Street to Marshall Avenue, specifically in front of the "Imperial Valley Fairgrounds / California Mid-Winter Fair" site. The project was successfully completed on February 16, 2024, with a total expenditure of \$164,986.51. Upon completion of the project, the City of Imperial has no further responsibility for the maintenance or operation of the improvements. The IV Fairgrounds will assume responsibility for maintaining and operating the improvements as per the existing lease agreement approved in 2006. As the underlying owner of the property, the County of Imperial will accept ownership of the improvements. This Memorandum of Understanding (MOU) facilitates cooperation and clarifies the responsibilities regarding the improvements to the fairground fence, ensuring the project's long-term sustainability and maintenance.	
FISCAL IMPACT: N/A	ADMIN SERVICES SIGN INITIALS <u>JMS</u>
STAFF RECOMMENDATION: APPROVAL OF MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE COUNTY OF IMPERIAL, THE 45 TH DISTRICT AGRICULTURAL ASSOCIATION AND THE CITY OF IMPERIAL	DEPT. INITIALS <u>DM</u>
MANAGER'S RECOMMENDATION: <u>approve</u>	CITY MANAGER'S INITIALS <u>DHM</u>
MOTION: SECONDED: APPROVED () REJECTED () AYES: DISAPPROVED () DEFERRED () NAYES: ABSENT: REFERRED TO:	

**MEMORANDUM OF UNDERSTANDING BY AND BETWEEN
THE COUNTY OF IMPERIAL
THE 45TH DISTRICT AGRICULTURAL ASSOCIATION
AND THE CITY OF IMPERIAL**

This MEMORANDUM OF UNDERSTANDING (“MOU”) is entered into on this _____ day of _____, 2024 between the **COUNTY OF IMPERIAL** (hereinafter “County” or “Landlord”), the **45TH DISTRICT AGRICULTURAL ASSOCIATION** (hereinafter “IV Fairground” or “Tenant”), and the **CITY OF IMPERIAL** (hereinafter “City”). Collectively, these entities are referred to as “the Parties”.

A. PURPOSE.

The purpose of this MOU is to outline the mutual agreement between the Parties regarding their respective duties and obligations to each other regarding City’s improvements of the fairground fence along SR86 between 2nd street and Marshall Avenue (hereinafter “Improvements”). Specifically, this MOU addresses 1) IV Fairground’s willingness to accept the obligation regarding operation and maintenance of the Improvements and 2) IV Fairground’s willingness to accept fencing materials already delivered to the site which shall be designated solely for use along SR86.

B. RECITALS.

1. In 2024, the City undertook work to complete improvements along SR86 (more specifically to improve the fence along SR86 between 2nd street and Marshall Avenue. Although this was not an obligation of the City, City applied for and received a grant for the Improvements to benefit IV Fairgrounds.
2. In addition to the Parties agreeing that City would complete the Improvements, the Parties agreed that once the Improvements were completed, IV Fairgrounds would assume operation and maintenance of the Improvements. The Parties agree that the City performed the Improvements, yet shall have no ongoing obligation for liability, maintenance or operation of the Improvements.
3. The Parties wish, through this MOU, to memorialize this agreement and understanding and create enforceable obligations.

C. TERM.

This MOU shall become effective on the date entered above and will continue in effect for the life of the Improvement or until terminated, in writing, by agreement of all Parties.

D. RESPONSIBILITIES OF THE PARTIES.

1. City has provided documentation reasonably required by IV Fairgrounds and County to demonstrate the completion of the Improvements described in **Exhibit "A"**.
2. County, as underlying owner and Landlord of the property identified as Assessor's Parcel Number 064-180-006, shall accept ownership of the Improvements.
3. IV Fairgrounds shall accept the responsibility for maintenance and operation of the Improvements in accordance with the underlying "Imperial Valley Expo Lease" approved on November 14, 2006, by Minute Order No. 25.
4. Any obligations of County or IV Fairgrounds to edit the underlying Lease or agreement shall not be the responsibility of City.

E. FISCAL PROVISIONS.

1. IV Fairgrounds acknowledges that it has inspected and approved the Improvements and shall be obligated to operate and maintain such Improvements.
2. IV Fairgrounds shall use any already delivered additional materials provided by the City solely along SR86 between 2nd Street and Marshall Ave.

F. GENERAL PROVISIONS.

1. This MOU may be amended in writing by all Parties. However, the Parties acknowledge that the existing obligations identified in this MOU shall survive this MOU, until satisfied.
2. It is understood that the Parties shall be subject to examination and audit of any records associated with the provisions of services, claims to obtain funding and payment records for a period of five (5) years after final payment under this Letter, whichever is longest. The examination and audit shall be confined to those matters connected with the performance of this Letter including, but not limited to, the costs of administering this Letter.
3. This MOU is not effective nor enforceable until signed by all parties.

G. NOTICES.

Any notice required or permitted to be given under this MOU shall be in writing and shall be served by registered mail or personal service upon the other party. When serviced by registered mail, services shall be conclusively deemed delivered three (3) days after deposit with the United States Postal Service, postage prepaid, addressed to the party to whom such notice is to be given as hereinafter provided.

IN WITNESS WHEREOF, the Parties hereto have executed this MOU as of the date first stated above.

SIGNATURES:

CITY OF IMPERIAL

IV FAIRGROUNDS

By: _____

By: _____

Name: Dennis H. Morita

Name: Allan Phillips

Title:

Title: Chief Executive Officer

Attest:

Attest:

COUNTY OF IMPERIAL

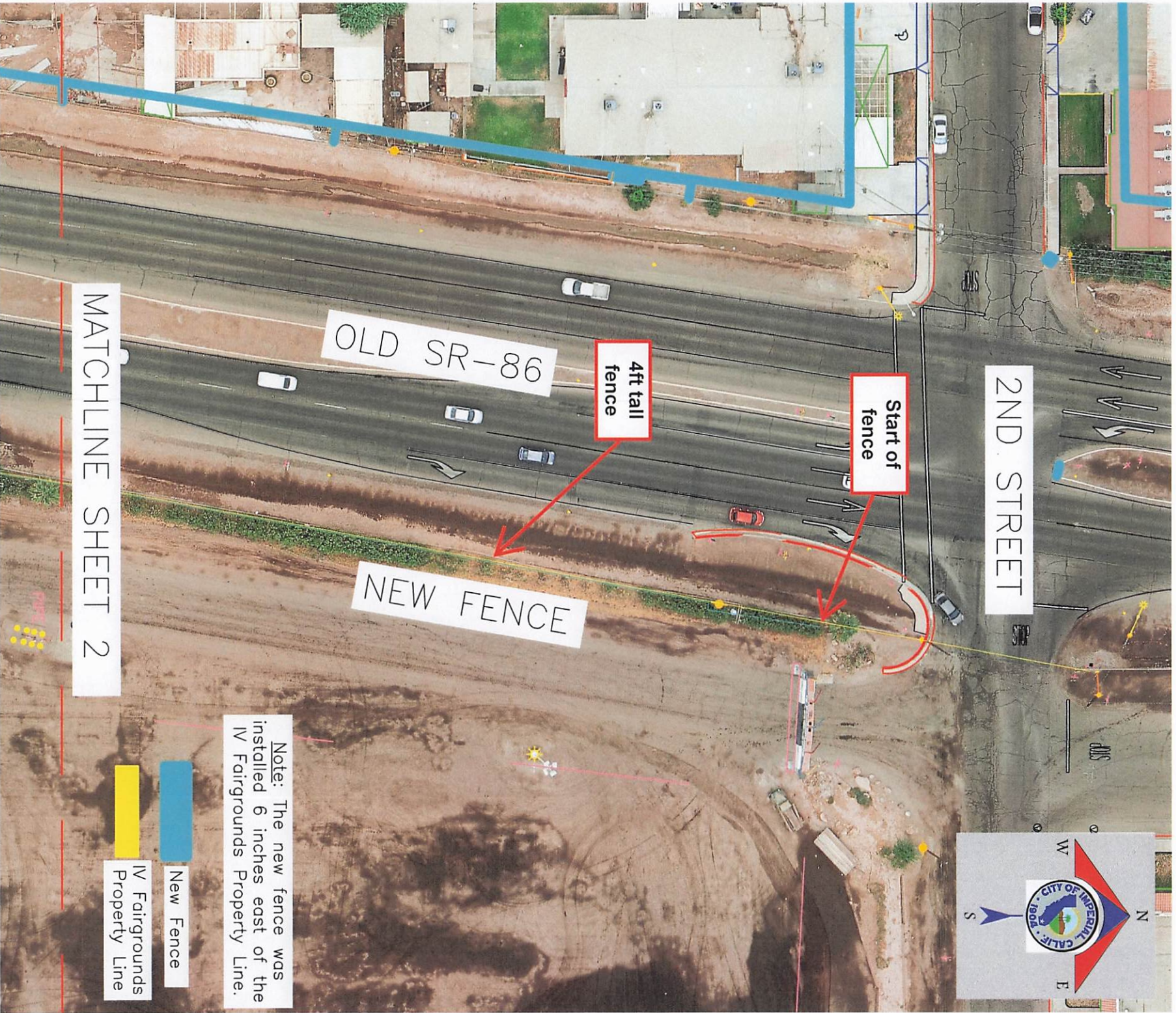
By: _____

**Name: Luis A. Plancarte, Chairman
Board of Supervisors**

Attest: _____

**By: Blanca Acosta
Clerk of the Board of Supervisors**

EXHIBIT "A" IMPROVEMENTS



2ND STREET

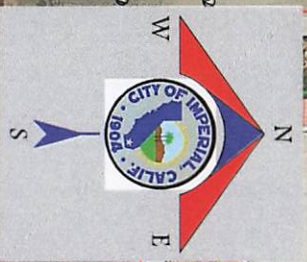
OLD SR-86

Start of fence

4ft tall fence

NEW FENCE

MATCHLINE SHEET 2



Note: The new fence was installed 6 inches east of the IV Fairgrounds Property Line.

- New Fence
- IV Fairgrounds Property Line



CITY OF IMPERIAL
 420 South Imperial Avenue
 Imperial, CA 92251
 Ph: (760) 355-3840 • Fax: (760)355-4718

COMMUNITY DEVELOPMENT DEPARTMENT	SHEET
HIGHWAY 86 FENCE REPLACEMENT PROJECT	1
AS-BUILT PLAN	OF 7 SHEETS
DATE: 2024-03-25	

MATCHLINE SHEET 1



4ft tall fence

OLD SR-86

NEW FENCE

Note: The new fence was installed 6 inches east of the IV Fairgrounds Property Line.

New Fence
IV Fairgrounds Property Line

MATCHLINE SHEET 3



CITY OF IMPERIAL
420 South Imperial Avenue
Imperial, CA 92251
Ph: (760) 355-3840 • Fax: (760)355-4718

COMMUNITY DEVELOPMENT DEPARTMENT
HIGHWAY 86 FENCE REPLACEMENT PROJECT
AS-BUILT PLAN
DATE 2024-03-25

SHEET
2
OF **7** SHEETS

MATCHLINE SHEET 2

Fence Height Change from 4ft to 8ft



OLD SR-86

NEW FENCE

8ft tall fence

Note: The new fence was installed 6 inches east of the IV Fairgrounds Property Line.

- New Fence
- IV Fairgrounds Property Line

MATCHLINE SHEET 4



CITY OF IMPERIAL
420 South Imperial Avenue
Imperial, CA 92251
Ph: (760) 355-3840 • Fax: (760)355-4718

COMMUNITY DEVELOPMENT DEPARTMENT	SHEET
HIGHWAY 86 FENCE REPLACEMENT PROJECT	3
AS-BUILT PLAN	OF 7 SHEETS
DATE 2024-03-25	

MATCHLINE SHEET 3



MATCHLINE SHEET 5



CITY OF IMPERIAL

420 South Imperial Avenue
Imperial, CA 92251
Ph: (760) 355-3840 • Fax: (760)355-4718

COMMUNITY DEVELOPMENT DEPARTMENT

HIGHWAY 86 FENCE REPLACEMENT PROJECT
AS-BUILT PLAN

DATE: 2024-03-25

SHEET

4

OF 7 SHEETS

MATCHLINE SHEET 4

8ft tall fence

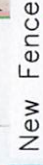
NEW FENCE

OLD SR-86

MATCHLINE SHEET 6



Note: The new fence was installed 6 inches east of the IV Fairgrounds Property Line.



New Fence



IV Fairgrounds Property Line



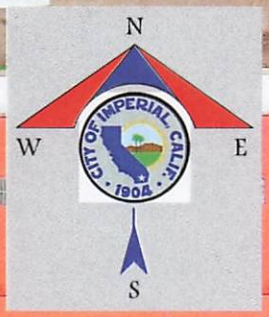
CITY OF IMPERIAL
420 South Imperial Avenue
Imperial, CA 92251
Ph: (760) 355-3840 • Fax: (760) 355-4718

COMMUNITY DEVELOPMENT DEPARTMENT
HIGHWAY 86 FENCE REPLACEMENT PROJECT
AS-BUILT PLAN

SHEET 5
OF 7 SHEETS

DATE: 2024-03-25

MATCHLINE SHEET 5



WELCOME TO IMPERIAL
HOME OF
CALIFORNIA MID - W

8ft tall
fence

OLD SR-86

NEW FENCE

Note: The new fence was installed 6 inches east of the IV Fairgrounds Property Line.

New Fence
IV Fairgrounds Property Line

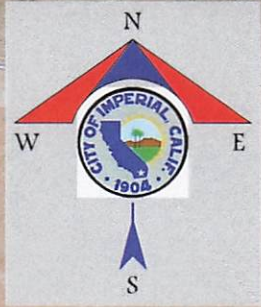
MATCHLINE SHEET 7



CITY OF IMPERIAL
420 South Imperial Avenue
Imperial, CA 92251
Ph: (760) 355-3840 • Fax: (760)355-4718

COMMUNITY DEVELOPMENT DEPARTMENT	SHEET 6
HIGHWAY 86 FENCE REPLACEMENT PROJECT AS-BUILT PLAN	
DATE 2024-03-25	OF 7 SHEETS

MATCHLINE SHEET 6



8ft tall fence

NEW FENCE

Note: The new fence was installed 6 inches east of the IV Fairgrounds Property Line.

-  New Fence
-  IV Fairgrounds Property Line

End of fence

MARSHALL AVE



CITY OF IMPERIAL
420 South Imperial Avenue
Imperial, CA 92251
Ph: (760) 355-3840 • Fax: (760)355-4718

COMMUNITY DEVELOPMENT DEPARTMENT	SHEET
HIGHWAY 86 FENCE REPLACEMENT PROJECT	7
AS-BUILT PLAN	OF 7 SHEETS
DATE 2024-03-25	

RECORDING REQUESTED BY

City of Imperial

AND WHEN RECORDED MAIL TO

City Clerk
City of Imperial
420 South Imperial Avenue,
Imperial, CA 92251

RECORDED

APR 18 2024

CHUCK STOREY
Imperial County Clerk-Recorder

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is OWNER of the interest stated below in the property hereinafter described
2. The FULL NAME of the undersigned is City of Imperial
3. The FULL ADDRESS of the undersigned is 420 South Imperial Avenue, Imperial, CA 92251
4. The NATURE OF THE INTEREST of the undersigned is: In Fee
5. The FULL NAMES AND FULL ADDRESSES of ALL PERSONS, if any, WHO HOLD SUCH INTEREST with the undersigned as JOINT TENANTS or as TENANTS IN COMMON are:

NAMES

ADDRESSES

6. NONE

7. The full names and addresses of the predecessors in interest of the undersigned, if the property was transferred subsequent to the commencement of the work or improvement herein referred to:

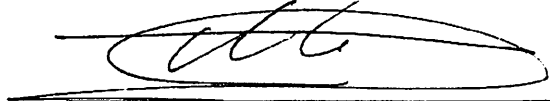
NAMES

ADDRESSES

NONE

8. A work of improvement on the property hereinafter described was COMPLETED on February 16, 2024
9. The NAME OF THE ORIGINAL CONTRACTOR, if any, for such work of improvement is Big J Fencing, Inc.
10. The street address of said property is Old SR-86 between 2nd and Marshall Avenue
11. The property on which said work of improvement was completed is in the City of Imperial, County of Imperial, State of California, and is described as follows: Hwy 86 Fence Replacement Project from 2nd Street to Marshall Avenue.

Date: April 18, 2024


Signature: 

Name and title: Othon Mora, Community Development Director, City of Imperial

VERIFICATION

I, the undersigned, say
 I am Othon Mora the Community Development Director of the City of Imperial, the owner of the aforesaid interest in the property described in the above notice;
 I have read the foregoing notice and know and understand the contents thereof and the facts stated herein are true and correct
 I declare under penalty of perjury that the foregoing is true and correct

Executed on April 18, 2024 at Imperial, California


 Signature: Othon Mora, Community Development Director, City of Imperial