

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM SUBRECIPIENT AGREEMENT

THIS AGREEMENT is made and entered into on this 9th day of March, 2020, by and between the **CITY OF OLATHE, KANSAS**, a Kansas municipal corporation ("City") and the **CORY CIRCLE PARK PLAYGROUND RESURFACING PROJECT**, hereinafter referred to as "Subrecipient"

WITNESSETH:

WHEREAS, Johnson County, Kansas has entered into a Grant Agreement with the United States Department of Housing and Urban Development, hereinafter referred to as "HUD", for Federal assistance under Title 1 of the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the City has entered into a Subrecipient Agreement with Johnson County whereby City must agree to certain terms and conditions associated with the use of the CDBG funds; and

WHEREAS, many of the requirements of the Subrecipient Agreement are to be carried out by **CORY CIRCLE PARK PLAYGROUND RESURFACING PROJECT** within the City of Olathe.

WHEREAS, the Parties agree that **CORY CIRCLE PARK PLAYGROUND RESURFACING PROJECT** should be bound by the terms of the Subrecipient Agreement and have agreed to execute this Agreement to evidence of that understanding.

WHEREAS, the **CORY CIRCLE PARK PLAYGROUND RESURFACING PROJECT** has been determined by the County to meet the national objective of benefiting low- and moderate-income persons and has been determined to be an eligible Public Service project, under Title 1 of the Housing and Community Development Act of 1974; and

WHEREAS, Johnson County, Kansas and the City require, as a condition precedent to the County's requesting from HUD a release of funds for **CORY CIRCLE PARK PLAYGROUND RESURFACING PROJECT**, the execution of this Subrecipient Agreement.

NOW THEREFORE, in consideration of the above recitals, the mutual promises, covenants, conditions, and agreements hereinafter set forth, it is agreed by the parties hereto as follows:

1. The **CORY CIRCLE PARK PLAYGROUND RESURFACING PROJECT** agree to perform and carry out the project described in the Subrecipient's 2020 application for funding and in the executed Subrecipient Agreement between the City of Olathe and Johnson County for **Project Number 2020-12**.
2. The **CORY CIRCLE PARK PLAYGROUND RESURFACING PROJECT** will **"provide new playground surfacing that meets current playground safety guidelines and accessibility guidelines for Cory Circle Park"**.
3. Subject to the provisions of Article III, General Terms and Conditions, of this Subrecipient Agreement, the County agrees to provide funding to the City of Olathe in an amount not to exceed **\$ 358,297.00**. The City of Olathe agrees to provide funding to in the amount of **\$30,000.00** for **Project 2020-12**.
4. The City of Olathe shall not authorize the Subrecipient to draw on funds unless said funds are to provide for the payment of work, as set forth in Subrecipient's Application and all required documentation has been submitted to City and approved. The Subrecipient must show proof of match funds, if required, prior to city releasing funds according to agreement.
5. The period of performance for activities assisted by the Subrecipient Agreement shall commence on **January 1, 2020** and be completed by **December 31, 2020**, except for those activities required for project closeout.
6. If it is known or anticipated that the activity funded by this grant will not be closed out by **December 31, 2020**, a request for an extension must be made in writing to the City of Olathe Resource Management Administrative Services Officer before **November 20, 2020**.

YOUR GRANT ACTIVITY IS CLASSIFIED AS A PUBLIC FACILITIES PROJECT.

7. The **CORY CIRCLE PARK PLAYGROUND RESURFACING PROJECT** agree to indemnify and hold the City and County, its officers, employees and agents free and harmless from and against all claims, losses and liabilities arising out of or in any way related to this Agreement.
8. The Subrecipient's rights, obligations, and duties under the Subrecipient Agreement shall not be assigned or transferred in whole or part with prior written agreement by the City of Olathe and Johnson County.

9. This Subrecipient Agreement and every question arising hereunder shall be construed or determined according to the laws of the State of Kansas. Should any part of the Subrecipient Agreement be adjudicated, venue shall be proper only in the District Court of Johnson County, Kansas.

IN WITNESS WHEREOF, the parties hereto have set their hands to this Agreement on the date first above written.

CITY:

SUBRECIPIENT:

City of Olathe, Mayor
PROJECT

CORY CIRCLE PARK PLAYGROUND RESURFACING

Date

Date