

FORSYTH COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: AUGUST 12, 2013

AGENDA ITEM NUMBER: 18

SUBJECT: RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT TO AGREEMENT BETWEEN FORSYTH AND GUILFORD COUNTIES AND WAR MEMORIAL FOUNDATION GRANTING PERMISSION TO CONSTRUCT A VETERANS' MEMORIAL ON A PORTION OF TRIAD PARK TO BE KNOWN AS THE CAROLINA FIELD OF HONOR

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION:

See attached

ATTACHMENTS: YES NO

SIGNATURE: *J. Dudley Watts, Jr.*
COUNTY MANAGER

DATE: August 8, 2013

**RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT TO
AGREEMENT BETWEEN FORSYTH AND GUILFORD COUNTIES AND
WAR MEMORIAL FOUNDATION GRANTING PERMISSION TO
CONSTRUCT A VETERANS' MEMORIAL ON A PORTION OF TRIAD PARK
TO BE KNOWN AS THE CAROLINA FIELD OF HONOR**

WHEREAS, on January 28, 2013, the Forsyth County Board of Commissioners adopted a Resolution Authorizing Execution Of An Agreement Between Forsyth And Guilford Counties And War Memorial Foundation Granting Permission To Construct A Veterans' Memorial On A Portion Of Triad Park To Be Known As The Carolina Field Of Honor; and

WHEREAS, War Memorial Foundation ("Foundation"), a non-profit corporation, proposes to design and construct, at no cost to Forsyth or Guilford Counties, a Veterans' Memorial ("Memorial") in the portion of Triad Park to be known as the Carolina Field of Honor ("Field"); and

WHEREAS, under the adopted Resolution, the proposed project is to cost no less than \$2.45 Million dollars and construction on the proposed project is not to begin until the Forsyth County Parks and Recreation Department ("Department") in consultation with Guilford County, is satisfied that the Foundation has raised sufficient resources to complete construction of the Memorial and provides written permission to acquire necessary permits; and

WHEREAS, it has now been proposed by the parties to the Agreement as well as the architect on the proposed project, that the project be completed in four phases and that construction be allowed to begin when the Forsyth County Parks and Recreation Department in consultation with Guilford County is satisfied that the Foundation has raised sufficient resources to complete construction of Phases One and Two of the Memorial and provides written permission to acquire necessary permits; and

WHEREAS, Phase One of the proposed project includes site preparation, grading, drainage and erosion control and will cost approximately \$150,000; and Phase Two includes the main plaza, drop off, main entry walk and site utilities and is estimated to cost \$1,300,000; and

WHEREAS, Phase Three of the proposed project includes sidewalk connections, service monuments, entry monument installation and donor walls and will cost approximately \$650,000; and Phase Four includes landscaping, planting, irrigation and turf establishment for \$100,000; and

WHEREAS, allowing the construction to be completed in phases will allow the Foundation to be able to collect the written pledges which are conditioned on the start of the construction; and

WHEREAS, all portions of the project are to be constructed by qualified contractors with the oversight of qualified architects as specified in the plans approved by the Department; and

WHEREAS, Guilford County has already taken action to authorize the phased construction of the project; and

WHEREAS, upon completion of the Memorial at the Field, all equipment and property therein and warranties thereon shall become the property of Forsyth and Guilford Counties and it will become the duty of the Counties to maintain and operate the Field in accordance with the Triad Park rules and regulations and may charge fees for use of the Field; and

WHEREAS, the Foundation shall have preference for use of the Memorial on Veterans' Day and Memorial Day of each year and on one additional day each year to be mutually agreed upon by the Department and the Foundation; and

WHEREAS, the agreement with the Foundation to construct the Memorial will terminate if the Foundation fails to commence construction on the Memorial on or before January 1, 2015, or fails to complete construction of the Memorial within one year of receiving necessary building permits.

NOW, THEREFORE, BE IT RESOLVED that the Forsyth County Board of Commissioners hereby authorizes the Chairman or County Manager and Clerk to the Board to execute, on behalf of Forsyth County, the attached Amendment to Agreement between Forsyth and Guilford Counties and War Memorial Foundation granting permission to construct a veterans' memorial in four phases on a portion of Triad Park to be known as the Carolina Field of Honor, subject to a pre-audit certificate thereon by the Chief Financial Officer, where applicable, and approval as to form and legality by the County Attorney.

BE IT FURTHER RESOLVED by the Forsyth County Board of Commissioners that the attached interlocal agreement between Forsyth County, on behalf of its Parks and Recreation Department, and Guilford County and War Memorial Foundation is hereby ratified as required by N.C.G.S. 160A-461.

BE IT FURTHER RESOLVED that this resolution ratifying interlocal cooperation between Forsyth and Guilford Counties is hereby spread upon the minutes of the Forsyth County Board of Commissioners.

Adopted this the 12th day of August 2013.

NORTH CAROLINA
FORSYTH COUNTY

AMENDMENT NUMBER ONE TO
CONTRACT #2013-0281-00

The original contract, dated January 30, 2013, which is made and entered into by and between Forsyth County and Guilford County and War Memorial Foundation (the Foundation) to facilitate the construction of a Veterans' Memorial in a portion of Triad Park known as Carolina Field of Honor by the Foundation at no cost to Forsyth and Guilford Counties, is hereby amended as follows:

Section 2 of the original contract is hereby amended to state the following:

“Based on the architect’s estimate of constructability, this project will cost no less than \$2.45M to construct in accordance with plans and specifications on Exhibit B. The Parties and the architect have agreed that the Memorial will be completed in four phases and that construction will be allowed to begin when the Department in consultation with Guilford County’s designated representative is satisfied that the FOUNDATION has demonstrated through documented bank deposits, letter of credit, bond and/or trust accounts, that it has sufficient resources to complete construction of Phases One and Two of the Memorial, and after the COUNTIES have reviewed and approved the plans and specifications for the Memorial at the Field, the COUNTIES shall issue written permission to proceed to acquire necessary permits, subject to compliance with provisions of this Agreement. In addition, the FOUNDATION shall not commence any work at the Park until the written permission has been received.

Phase One of the proposed project includes site preparation, grading, drainage and erosion control and will cost approximately \$150,000; and Phase Two includes the main plaza, drop off, main entry walk and site utilities and is estimated to cost \$1,300,000.

Phase Three of the proposed project includes sidewalk connections, service monuments, entry monument installation and donor walls and will cost approximately \$650,000; and Phase Four includes landscaping, planting, irrigation and turf establishment for \$100,000.”

This Amendment authorizes the proposed project to be constructed in four phases and is being executed in order to allow the Foundation to be able to collect the written pledges which are conditioned on the start of the construction.

This Amendment is hereby effective upon its full execution. All other terms and conditions as set forth in the original agreement document shall remain in full force and effect for the duration of this agreement and are incorporated herein by reference as if fully set forth herein.

[SIGNATURES ON NEXT PAGE]

War Memorial Foundation

Forsyth County

By: _____

By: _____
J. Dudley Watts, County Manager

Date: _____

Date: _____