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March 24, 2026, City Council Meeting

Title

Consider Addendum to Downtown Harrisonburg Park Donation Agreement between the City of Harrisonburg and Build Our Park. Chris Brown, City Attorney.

Summary

At its meeting held on November 26, 2024, Council approved a Downtown Harrisonburg Park Donation Agreement (the Agreement) between the City and Downtown Harrisonburg Park Corporation, d/b/a/ Build Our Park (Build Our Park) under which Build Our Park would finance and otherwise participate in the construction of a new City Park to be located on City property beside City Hall. A copy of the Agreement is attached to this agenda item. Build Our Park has fulfilled its obligations set forth in Section 1(a)(i) of the Agreement and now is engaged in fundraising. Build Our Park believes that the Park may be designed, funded, and developed in a more efficient and economical manner through the Public-Private Education Facilities and Infrastructure Act (the “PPEA”) than through the Agreement. Build Our Park representatives met with the City to request the option of using the PPEA. Staff is not opposed to the use of the PPEA. City staff and Build Our Park representatives have prepared an Addendum to the Agreement for Council’s consideration.

Recommendation

Option 1. Staff recommends approval of the Addendum to the Agreement.

Fiscal Impact

None. Under both the Agreement and under any approved PPEA comprehensive agreement the costs related to the construction of the Park will be the obligation of Build Our Park, not the City.

Context & Analysis

The Agreement provides that Build Our Park will be responsible for all fundraising necessary for the construction of the Park. Build Our Park was responsible for preparing and submitting to the City Manager a detailed budget for all aspects of the Park’s construction, including the preparation of preliminary and construction plans. Build Our Park submitted the budget, which was approved by the City Manager after review by various City departments.

Build Our Park continues to engage in fundraising for the Park. Under the Agreement, once Build Our Park has secured the necessary funds they will be paid to the City. The City will then issue an RFP for final construction plans. Once the plans are approved the City will issue an RFP or Invitation to Bid for the actual construction of the Park and oversee the contracting and construction.

Build Our Park believes that the Park may be designed, funded, and developed in a more efficient and economical manner through the PPEA than through the Agreement and has requested the option of using the PPEA process. The PPEA would allow Build Our Park to assemble a design/construction team which could take advantage of donations or discounted costs of time and materials for the Park's construction. City staff and Build Our Park representatives have prepared an addendum to the Agreement permitting such an option. Build Our Park (or a contractor working with Build Our Park) would have the option to submit a proposal under the PPEA. Build Our Park would follow all requirements of the PPEA and the City's PPEA policy. Such proposal and any resulting comprehensive agreement would have to be approved by Council following a public hearing. Build Our Park would remain obligated to pay all costs associated with the construction of the Park, City staff would oversee and approve all aspects of the construction, and the City would require performance bonds to ensure that the Park is completed in a timely and professional manner at no cost to the City.

If Build Our Park elects not to submit a PPEA proposal, or if such proposal is not approved by City Council, the existing agreement remains in effect.

Options

1. Approve Addendum
2. Decline to approve Addendum

Attachments

1. Downtown Harrisonburg Park Donation Agreement
2. Proposed Addendum No. 1 to Agreement