

ADDENDUM No. 1 to

DOWNTOWN HARRISONBURG PARK DONATION AGREEMENT

This Addendum No.1 to Downtown Harrisonburg Park Donation Agreement (the “Addendum”), is entered into as of March __, 2026 by and between the City of Harrisonburg, a Virginia municipality (the “City”) and Downtown Harrisonburg Park Corporation, d/b/a Build Our Park, a Virginia nonstock corporation (“Build Our Park”). All terms in this Addendum shall have the same meaning as set forth in the Agreement unless noted otherwise.

RECITALS

1. The City and Build Our Park entered into that Downtown Harrisonburg Park Donation Agreement (the “Agreement”) on ____ . 2024 in order to set forth the rights and obligations of the Parties regarding the funding for, and construction of, the Park (as defined in the Agreement).
2. The Parties have fully performed the obligations set forth in Section 1(a)(i) of the Agreement regarding the preparation and approval of the Park’s Budget.
3. 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.
4. The City is willing to accept and review a proposal made by Build Our Park and/or a third party contractor for the development of the Park in accordance with the PPEA and the City’s guidelines adopted thereunder (the “Guidelines”).

ADDENDUM

In consideration of the Agreement and Build Our Park’s efforts thereunder, the Parties agree as follow:

1. Build Our Park and/or a third party contractor may submit a proposal (a “Proposal”) for the development of the Park which meets the requirements of the PPEA and the Guidelines.
2. The City will accept and review the Proposal in accordance with the PPEA and the Guidelines. Approval of the Proposal and authorization to enter into a comprehensive agreement under the PPEA will be in the sole discretion of the Harrisonburg City Council.
3. If the Proposal is approved by the Harrisonburg City Council and a comprehensive agreement is entered into by the Parties, such comprehensive agreement shall replace the Agreement and this Addendum, which shall be deemed terminated.
4. If the submitted proposal is not approved by the Harrisonburg City Council and a comprehensive agreement is not entered into by the Parties, or if Build Our Park and/or a third party contractor does not submit a proposal under the PPEA for the development of the Park, then the Agreement shall remain in full force and effect.

5. This Addendum is effective when executed by the City Manager of the City and the President of Build Our Park or other duly authorized person and may be executed in counterparts.

Downtown Harrisonburg Park Corporation,
d/b/a Build Our park, a Virginia nonstock corporation

By: _____

Its: _____

City of Harrisonburg,
a Virginia municipality

Alexander Banks, VI, City Manager