

Amendment Number 1

Project Name: Bernau Estate Biodynamic Wine and Agriculture Experience

This amendment is made and entered into by and between the State of Oregon, acting by and through the Oregon Business Development Department (“OBDD”), and the Yamhill County (“Recipient”), and amends the Grant Contract between Recipient and OBDD, Project Number RS1913, dated 17 April 2019, for the above-named Project. Capitalized terms not defined in this amendment have the meanings assigned to them by the Contract.

Recital: The purpose of this amendment is to extend project completion date and agreed upon deletions.

The parties agree as follows:

1. Amend the following Key Term in Section 1 of the Contract as follows (deletion in ~~striketrough~~; addition in double underline):

“Project Completion Deadline” means 31 December 2021 ~~24 months after the date of this Contract.~~
2. Amend the following Condition to Disbursement Section 3.C(5) as follows (deletion in ~~striketrough~~; addition in double underline):

(5) ~~Recipient has delivered documentation satisfactory to OBDD that, in addition to the Financing Proceeds, Recipient has available or has obtained binding commitments for all funds necessary to complete the Project. [Reserved.]~~
3. Amend Section 5.A of the Contract as follows (deletion in ~~striketrough~~; addition in double underline):

“A. Estimated Project Cost, Funds for Repayment. A reasonable estimate of the Costs of the Project is shown in Section 1, ~~and the Project is fully funded.~~”
4. Delete Exhibit C and replace it with the following new Exhibit C:

EXHIBIT C - PROJECT BUDGET

	OBDD Funds	Other / Matching Funds
Activity	Approved Budget	Estimated Budget
Land Acquisition	\$0	\$1,805,000
Engineering / Architecture	0	650,000
Facilities Construction	0	8,000,000
Public Garden Construction	150,000	0
Construction Management	0	50,000
Professional Services (Legal)	0	5,000
Total	\$150,000	\$10,510,000

OBDD will have no obligation under this amendment, unless within 60 days after receipt, the Recipient delivers to OBDD the following items, each in form and substance satisfactory to OBDD and its Counsel:

- (i) this amendment duly executed by an authorized officer of the Recipient; and
- (ii) such other certificates, documents, opinions and information as OBDD may reasonably require.

Except as specifically provided above, this amendment does not modify the Contract, and Contract shall remain in full force and effect during the term thereof. This amendment is effective on the date it is fully executed and approved as required by applicable law.



STATE OF OREGON
acting by and through its
Oregon Infrastructure Finance Authority
of the Business Development Department

YAMHILL COUNTY

By: _____
~~Melissa Druggie, Manager~~ Chris Cummings
~~Regional Development~~ Interim Director

By: _____
[Signature]
Kenneth Huffer, County Administrator

Date: _____

Date: 2/18/2021

APPROVED AS TO LEGAL SUFFICIENCY IN ACCORDANCE WITH ORS 291.047:

Not required by OAR 137-045-0050

Received 2/19/2021

Accepted by Yamhill County
Board of Commissioners on
2/18/21 by Board Order
21-67