

RESOLUTION NO. R2023-010

A RESOLUTION of the City Council of the City of Tumwater, Washington, adopting a third amendment to the development agreement related to the development of property owned by Craft District and located in the vicinity of Capitol Boulevard and E street and the infrastructure to be constructed to support the development.

WHEREAS, the Tumwater City Council approved a Development Agreement between the City and District on February 20, 2018 by Resolution R2018-008; and

WHEREAS, the Tumwater City Council approved the First Amendment to the Agreement on December 1, 2020 by Resolution R2020-026; and

WHEREAS, the Tumwater City Council approved the Second Amendment to the Agreement on October 19, 2021 by Resolution R2021-012; and

WHEREAS, the Agreement provides that it may be modified by written instrument authorized by City Council and duly executed by the Mayor and the District; and

WHEREAS, the City and the District desire to amend the Agreement by extending the term; and

WHEREAS, pursuant to RCW 36.70B.200, on June 6, 2023, the City Council held a public hearing, after public notice as required by law, on the third amendment to the Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUMWATER AS FOLLOWS:

Section 1. Adoption. The Third Amendment to the Development Agreement with Craft District LLC, attached hereto as Exhibit “A” is hereby adopted and the City Council authorizes the Mayor to sign the amendment and to take all further and necessary action required by the Development Agreement, the First Amendment, Second Amendment and Third Amendment.

Section 2. Recording. The City Clerk is directed to record the Third Amendment with Thurston County as provided in RCW 36.70A.190.

Section 3. Ratification. Any act consistent with the authority and prior to the effective date of this Resolution is hereby ratified and affirmed.

Section 4. Severability. The provisions of this Resolution are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Resolution or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the Resolution, or the validity of its application to other persons or circumstances.

Section 5. Effective Date. This Resolution shall become effective immediately upon adoption and signature as provided by law.

RESOLVED this ____ day of _____, 2023.

CITY OF TUMWATER

Debbie Sullivan, Mayor

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

**THIRD AMENDMENT
TO DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF TUMWATER AND THE CRAFT DISTRICT
RELATED TO THE DEVELOPMENT OF PROPERTY LOCATED IN THE
VICINITY OF CAPITOL BOULEVARD AND E STREET AND THE
INFRASTRUCTURE TO BE CONSTRUCTED TO THE SUPPORT THE
DEVELOPMENT**

This Third Amendment ("Amendment") is dated effective this _____ day of _____, 2023, and is entered into by and between the CITY OF TUMWATER, a Washington municipal corporation ("CITY"), and Craft District LLC, a Washington corporation, and Craft District II LLC, a Washington corporation, each a "Party" and together referred to as the "Parties." Craft District LLC and Craft District II LLC have common governors and principal office locations and shall hereafter be referred to commonly as "DISTRICT" when referring to both corporations combined.

A. The CITY and the DISTRICT entered into a Development Agreement dated effective February 20, 2018, adopted by Resolution No. R2018-008, whereby the Parties agreed upon the type and timing of the development of the subject 5.58 acre property, and that agreement was amended by First Amendment dated December 29, 2020, adopted by Resolution No. R2020-026, whereby the Parties extended the term of the agreement until December 31, 2022, and that agreement was amended by Second Amendment dated December 3, 2021, adopted by Resolution No. R2021-012, whereby the Parties expanded the area of the Agreement to include an additional parcel (the "Agreement").

B. Section 21 of the Agreement provided that the Agreement may only be modified by written instrument authorized by the City Council and duly executed by the Mayor and DISTRICT.

C. The CITY and DISTRICT desire to amend the Agreement by extending the term; and

NOW, THEREFORE, the parties agree to the following terms and conditions:

1. Term of Agreement.

Section 2 of the Agreement is amended to extend the term of the Agreement until December 31, 2025.

2. Full Force and Effect.

All other terms and conditions of the Agreement not modified by this Amendment shall remain in full force and effect.

DATED the effective date set forth above.

CITY:
CITY OF TUMWATER
555 Israel Road SW
Tumwater, WA 98501

DEBBIE SULLIVAN (Notarized – see below)
Mayor

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

STATE OF WASHINGTON

COUNTY OF THURSTON

I certify that I know or have satisfactory evidence that _____(name)
is the person who appeared before me, and said person acknowledged that (he/she) signed this
instrument, on oath stated that (he/she) was authorized to execute the instrument and
acknowledged it as the _____ (title) of _____ (company) to be the
free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated:_____

Notary Public in and for the State of Washington,
My appointment expires:_____.

DEVELOPER:
CRAFT DISTRICT, LLC
2840 Black Lake Blvd, Ste. C
Tumwater, WA 98512

Signature (Notarized – see below)

Print Name

Title

STATE OF WASHINGTON

COUNTY OF THURSTON

I certify that I know or have satisfactory evidence that _____(name)
is the person who appeared before me, and said person acknowledged that (he/she) signed this
instrument, on oath stated that (he/she) was authorized to execute the instrument and
acknowledged it as the _____ (title) of _____ (company) to be the
free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated:_____

Notary Public in and for the State of Washington,
My appointment expires: _____.

DEVELOPER:
CRAFT DISTRICT II, LLC
2840 Black Lake Blvd, Ste. C
Tumwater, WA 98512

Signature (Notarized – see below)

Print Name

Title

STATE OF WASHINGTON

COUNTY OF THURSTON

I certify that I know or have satisfactory evidence that _____(name)
is the person who appeared before me, and said person acknowledged that (he/she) signed this
instrument, on oath stated that (he/she) was authorized to execute the instrument and
acknowledged it as the _____(title) of _____(company) to be the
free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated:_____

Notary Public in and for the State of Washington,
My appointment expires: _____.