

LEASE PAYMENT ALLOCATION AGREEMENT

AN AGREEMENT by which the City of Tumwater, a municipal corporation of the State of Washington ("City") agrees to pay to the Port of Olympia, a special purpose district of the State of Washington ("Port") a portion of the lease payments it receives from DISH WIRELESS, LLC, pursuant to a certain Site Lease Agreement as more particularly set forth herein.

WHEREAS, the City entered into a Site Lease Agreement with _____ on _____, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, said site lease allows DISH WIRELESS, LLC to install and operate certain communications facilities on a steel water tank owned by the City but situated on Port property; and

WHEREAS, the City's easement agreement with the Port does not provide for the City's use of the Port property in the manner provided for under the site lease between the City and DISH WIRELESS, LLC; and

WHEREAS, in consideration of the Port's agreement to authorize the City to use its property over which the City holds an easement in accordance with the terms of the City's site lease agreement with DISH WIRELESS, LLC, the City agrees to compensate the Port by paying over a portion of the lease payments it receives from DISH WIRELESS, LLC.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, the parties hereto agree as follows:

Section 1. In consideration of the City of Tumwater's payment to the Port of forty percent (40%) of the lease payments it receives from DISH WIRELESS, LLC, the Port hereby agrees and consents to the use of its property upon which the City's steel water tank is situated as set forth in Exhibit "A" attached hereto and incorporated herein as set forth in the site lease agreement between the City and DISH WIRELESS, LLC.

Section 2. The City shall only be obligated to remit the aforementioned share of the money it actually receives from DISH WIRELESS, LLC provided the City shall use reasonable efforts to insure collection of all amounts due.

Section 3. The City agrees to remit the amount due the Port under this Payment Allocation Agreement no more than thirty (30) days following its

receipt of payment from DISH WIRELESS, LLC.

Section 4. This Agreement shall commence on the date of execution by the City and shall terminate upon termination of the Site Lease Agreement between the City of Tumwater and DISH WIRELESS, LLC.

DATED this _____ day of _____, 2023.

CITY OF TUMWATER

PORT OF OLYMPIA

Debbie Sullivan, Mayor

Signature

Printed Name: _____

Its: _____

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

Richard L. Hughes

Law Offices of Richard L. Hughes