

AMENDMENT #2
MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF TUMWATER AND LOTT CLEAN WATER ALLIANCE REGARDING A
PURCHASE AND SALE AGREEMENT FOR PROPERTIES IN THE DESCHUTES VALLEY

This Amendment is made and entered into this ____ day of _____ 2025 between the City of Tumwater (City) and LOTT Clean Water Alliance (LOTT);

WHEREAS, the City and LOTT entered into a Memorandum of Understanding (MOU) dated November 29, 2023 concerning steps to be taken in preparation for entering into a possible purchase and sale agreement for properties located in the Deschutes Valley; and

WHEREAS, on March 29, 2024, the Parties amended this agreement to allow for additional time to determine feasibility and condition of sale and satisfactory use of the Property; and

WHEREAS, the Parties have determined that additional time is needed to complete these activities;

NOW THEREFORE, the City and LOTT agree as follows:

1. A new Section, II (H) is added to read as follows:

The Parties agree to complete a final draft Purchase and Sale Agreement by April 30, 2025, including all necessary legal and administrative reviews, in order to facilitate approval by their respective governing bodies by the date set forth in Section III(A).

2. Section III (A), as amended by Amendment #1, is further amended to read as follows:

Term and Amendment. This MOU anticipates the Parties will determine feasibility and condition of sale and satisfactory use of the Property on or prior to ~~December 31, 2024~~ June 30, 2025. If a purchase and sale agreement for the acquisition of the Property is not completed on or before that date (or an extension of that date is not agreed to by both Parties), this MOU will terminate. The Parties may mutually agree to extend this MOU beyond this date. Any amendment to this MOU must be in writing and mutually agreed to by both Parties.

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

SIGNATURES

LOTT CLEAN WATER ALLIANCE

By: _____
Matthew J. Kennelly, PE
Executive Director

Date: _____

CITY OF TUMWATER

By: _____
Debbie Sullivan
Mayor

Date: _____

Attest:

By: _____
Melody Valiant
City Clerk

Date: _____

Approved as to Form:

By: _____
Karen Kirkpatrick
City Attorney

Date: _____