

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, APPROVING AND ADOPTING THE FIRST AMENDMENT TO THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF OLYMPIA AND THE NISQUALLY INDIAN TRIBE, AND AUTHORIZING THE MAYOR AND CITY MANAGER TO SIGN THE FIRST AMENDMENT ON BEHALF OF THE CITY.

WHEREAS, the City of Olympia is a noncharter code city existing under and by virtue of Washington state law, and possesses all the rights, privileges and powers granted thereunder; and

WHEREAS, the Nisqually Indian Tribe is the successor descendent entity of the Nisqually Nation signatory to the Treaty of Medicine Creek of 1854 (10 Stat. 1132), and unto this day has retained and maintained its Tribal identity, its governing body, and its sovereign powers; and

WHEREAS, on May 14, 2008, the City of Olympia and the Nisqually Indian Tribe entered into a Memorandum of Agreement (hereafter "MOA") that provided a framework and terms and conditions for cooperative work on the shared issues of water supply and water resources stewardship; and

WHEREAS, the City of Olympia owns real property in Thurston County, Washington, in an area known as McAllister Springs that historically served as a water supply source before the City of Olympia developed and commenced the use of the McAllister Wellfield; and

WHEREAS, the City of Olympia holds fee simple ownership of the McAllister Springs properties, consisting of five parcels of land totaling approximately 181.5 acres, more or less; and

WHEREAS, the MOA provided for the City of Olympia to retain ownership of the McAllister Springs and Abbott Springs properties (hereafter jointly referred to as "McAllister Springs") and negotiate a long term agreement for conservation status and use by the Nisqually Indian Tribe; and

WHEREAS, the Olympia City Council on January 10, 2017, took action at a regularly scheduled public meeting to declare the McAllister Springs properties as surplus to the needs of the City's Drinking Water Utility and the City; and

WHEREAS, after implementation of some MOA elements and consideration of on-going costs incurred by the City's Drinking Water Utility's ratepayers to maintain the McAllister Springs properties, the City of Olympia and the Nisqually Indian Tribe now desire to amend the MOA to provide for the Nisqually Indian Tribe to become the owner of four parcels of

real property, all within the McAllister Springs properties totaling 177.2 acres, more or less, subject to perpetual conservation covenants and use restrictions benefitting the City of Olympia; and

WHEREAS, the City of Olympia and the Nisqually Indian Tribe intend to change the disposition and plan for ownership of the McAllister Springs properties but do not intend to change any other provisions of the MOA and the parties agree to delete Section 14 of the MOA in its entirety and to replace the provisions with the First Amendment to the MOA, with no other terms or provisions of the MOA amended and all other provisions of the MOA remaining in full force and effect;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE as follows:

1. The First Amendment to the Memorandum of Agreement between the City of Olympia and the Nisqually Indian Tribe is hereby adopted and approved.
2. The Mayor and City Manager are directed and authorized to execute the First Amendment to the Memorandum of Agreement on behalf of the City of Olympia.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of January 2017.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY