

Ordinance No. ~~6631~~

AN ORDINANCE approving *Amendment No. 1 to the Development Agreement By and Between the City of Olympia and MPH Holdings, LLC for the Development of Certain Property.*

WHEREAS, on July 10, 2007, the City of Olympia ("City") and MPH Holdings, LLC ("Developer"), entered into a *Development Agreement for the Development of Certain Property* ("Agreement"); and

WHEREAS, the term of the Agreement was to run for a period of six years from the date of permit issuance not to exceed eight years in total, unless extended or terminated as provided in the Agreement; and

WHEREAS, pursuant to RCW 36.70B.200, the Olympia City Council held a public hearing on March 31, 2009 and considered testimony from the public and city staff on a proposed amendment to extend the term of the Agreement; and

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Approval of Amendment to Development Agreement. In accordance with RCW 36.70B.200, *Amendment No. 1 to the Development Agreement By and Between the City of Olympia and MPH Holdings, LLC for the Development of Certain Property* attached hereto and incorporated herein as Exhibit A, is hereby approved.

Section 2. Severability. The provisions of this ordinance are declared separate and severable. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance or application of the provision to other persons or circumstances, shall be unaffected.

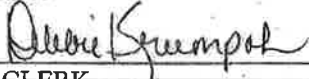
Section 3. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 4. Effective Date. This ordinance shall take effect five (5) days after publication, as provided by law.



MAYOR

ATTEST:



CITY CLERK

APPROVED AS TO FORM:



DEPUTY CITY ATTORNEY

PASSED:

April 28, 2009

APPROVED:

April 28, 2009

PUBLISHED:

April 30, 2009

EXHIBIT A

**AMENDMENT NO. 1 TO DEVELOPMENT AGREEMENT
BY AND BETWEEN THE CITY OF OLYMPIA
AND MPH HOLDINGS, LLC, FOR THE
DEVELOPMENT OF CERTAIN PROPERTY**

THIS AMENDMENT is made and entered into this _____ day of _____ 2009, by and between the **CITY OF OLYMPIA**, a Washington municipal corporation (the "City"), and **MPH HOLDINGS, LLC**, a Washington limited liability company (the "Developer").

RECITALS

1. On July 10, 2007, the City and the Developer entered into a *Development Agreement for the Development of Certain Property* ("Agreement").
2. The term of the Agreement was to run for a period of six years from the date of permit issuance not to exceed eight years in total, unless extended or terminated as provided in the Agreement.
3. The City and the Developer desire to amend the Agreement to extend its term.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Section 7 of the Agreement, *Term of Agreement*, is hereby amended to read as follows:


Section 7: Term of Agreement. This Agreement shall commence upon the effective date of the Adopting Ordinance approving this Agreement, and shall continue in force for a period of ~~6~~ eight (8) years from the date of permit issuance not to exceed ~~8~~ ten (10) years in total, unless extended or terminated as provided herein. Following the expiration of the term or any extension thereof, or if sooner terminated, this Agreement shall have no force and effect, subject however, to post-termination obligations of the Developer or Landowner.

2. All remaining provisions of the *Development Agreement by and Between the City of Olympia and MPH Holdings, LLC, for the Development of Certain Property* dated July 10, 2007 and not here amended or supplemented shall

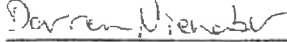
remain as written in said Agreement, and shall continue in full force and effect.

IN WITNESS WHEREOF, the City and the Developer have executed this Amendment No. 1 to the Agreement as of the date and year written above.

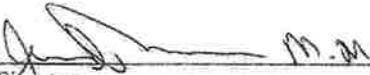
CITY OF OLYMPIA

By: 
Doug Mah, Mayor

APPROVED AS TO FORM:


Deputy City Attorney

MPH HOLDINGS, LLC:

By:  M.M.
Signature
Print Name: James A Morris
Its Manager Member

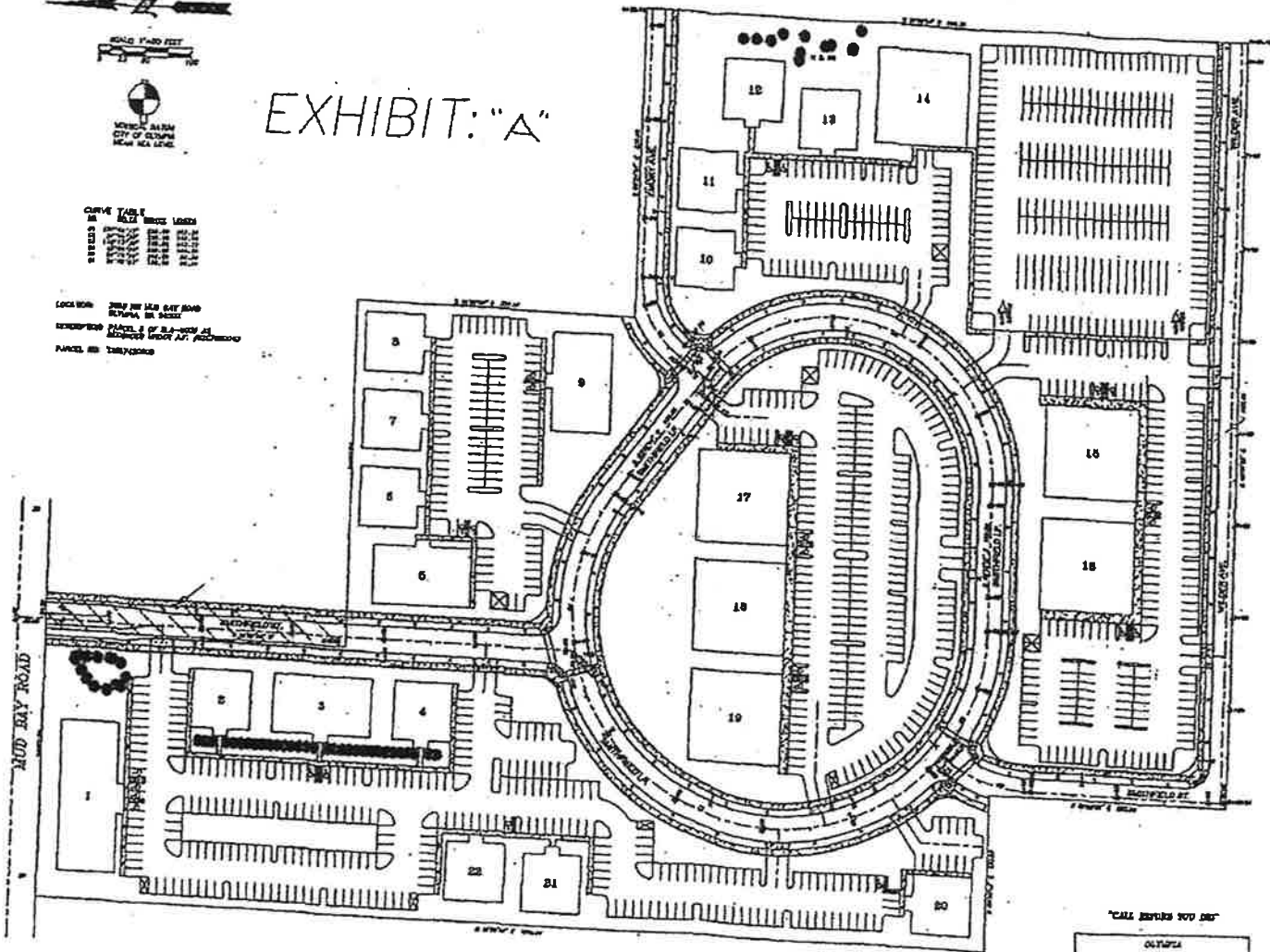
\\Nemo\ProLaw\Documents\Land Use\Development Agreement\07-1786\23450.doc



EXHIBIT: "A"

- LEGEND**
- EXISTING
 - PROPOSED
 - CONCRETE
 - ASPHALT
 - PAVEMENT
 - GRAVEL
 - GRASS
 - LANDSCAPE

LOCATION: 1000 W. 10TH AVE
PROJECT: WESTCAP OFFICE PARK
DATE: 04/01/2007



"CALL BEFORE YOU DIG"
 OREGON
 APPROVED FOR CONSTRUCTION
 BY: _____ AND _____
 APPROVAL CODE: _____



DATE: _____

PROFESSIONAL ENGINEERING SERVICES INC.
 1000 W. 10TH AVE
 EUGENE, OR 97402
 (503) 885-1234

MPH HOLDINGS
 1000 W. 10TH AVE
 EUGENE, OR 97402
 (503) 885-1234

BEALTY & TERRELLS
 1000 W. 10TH AVE
 EUGENE, OR 97402
 (503) 885-1234

SITE PLAN
 Project: WESTCAP OFFICE PARK
 1000 W. 10TH AVE
 EUGENE, OREGON

Drawn: **AWL**
 Checked: **JAD**
 Date: **April 2007**
 Scale: **AS SHOWN**
SP1.0



SCALE 1"=50 FEET

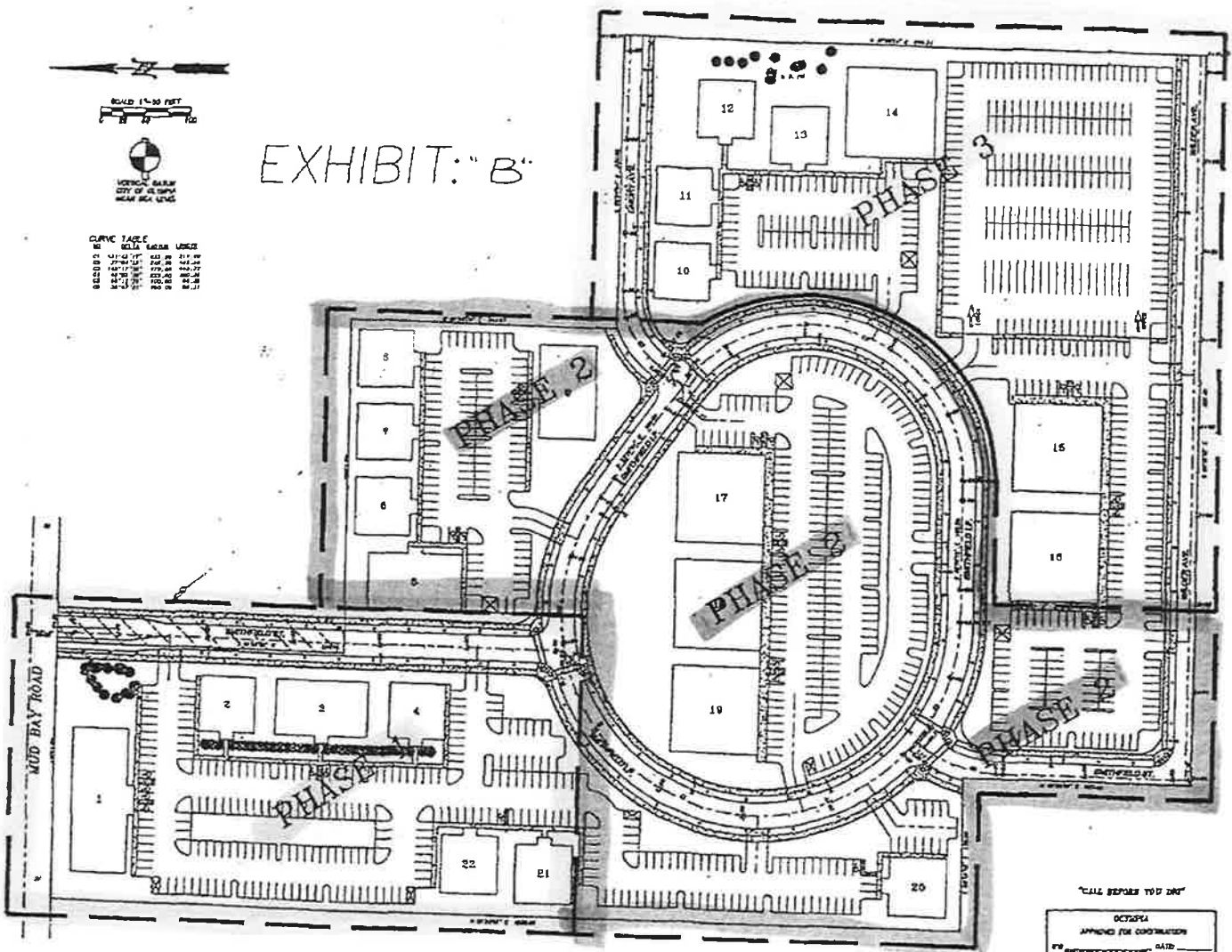


CITY OF JOLIET
SEAL

EXHIBIT: "B"

CURVE TABLE

SECTION	PI	PC	PT	LC	EA	EB	EC	ED	EA	EB	EC	ED
1	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
2	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
3	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
4	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
5	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
6	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
7	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
8	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
9	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
10	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
11	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
12	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
13	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
14	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
15	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
16	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
17	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
18	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
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E1	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00



PROFESSIONAL ENGINEERING SERVICES INC. JACK OLSON, P.E. 3041 GARDEN LANE, #100 JOLIET, IL 61731 (815) 746-7477
MPH HOLDINGS 10111 W. BROADWAY CHICAGO, IL 60642 (312) 851-8518
BRACY & TROMAS LAND SURVEYORS 10111 W. BROADWAY CHICAGO, IL 60642 (312) 851-8518
PHASING PLAN Project: WESTCAP OFFICE PARK JOLIET, ILLINOIS
Date: 2/11 Author: JAC Date: 2/11 Date: 2/11 Date: 2/11
SP2.0

"CALL BEFORE YOU DIG"

OCTOPIA
 APPROVED FOR COORDINATION
 BY "ENGINEER FOR DESIGN" DATE: _____
 APPROVAL OFFICE: _____



