

RESOLUTION NO. 3045

A RESOLUTION of the Commission of the Port of Seattle authorizing the Second Amendment to the West Seattle Freeway Bridge Interlocal Agreement.

WHEREAS, the City of Seattle and the Port of Seattle entered into the West Seattle Freeway Bridge Interlocal Agreement (the Agreement) dated July 7, 1980, which provided for the accomplishment of the West Seattle Bridge Project; and

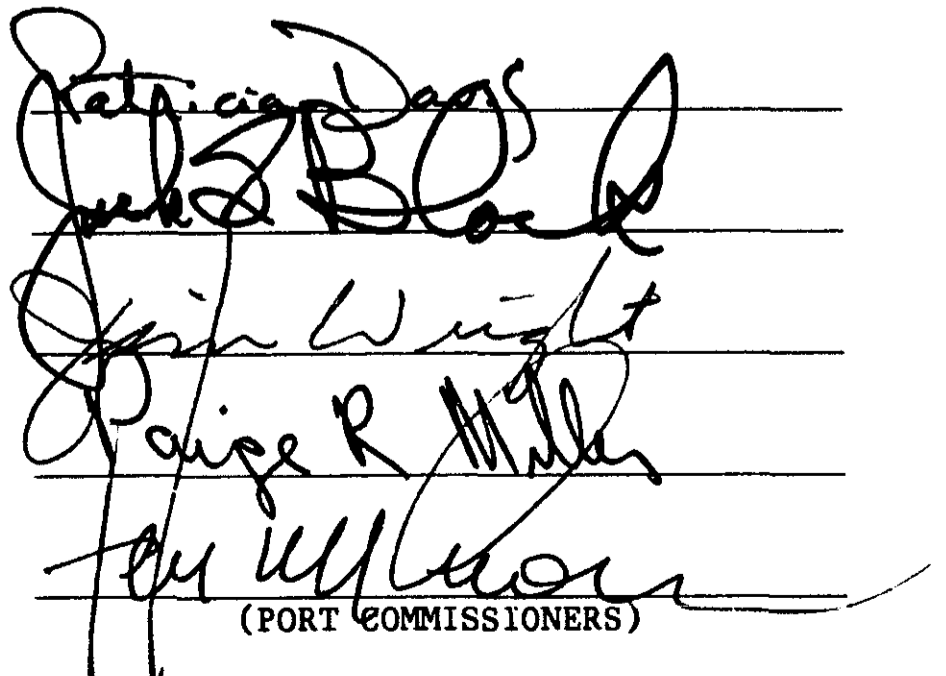
WHEREAS, the City and the Port entered into the First Amendment to the Agreement on June 16, 1988, providing for an additional Port contribution to the Project subject to certain conditions; and

WHEREAS, the Port and the City wish to remove one of those conditions and reaffirm their commitment to proceed with the Project;

NOW THEREFORE, the Commissioners of the Port of Seattle hereby resolve as follows:

The Port is hereby authorized to enter into the Second Amendment to the West Seattle Freeway Bridge Interlocal Agreement, removing the condition in the Agreement that the City must reach agreement with King County, and providing for letting the construction contract prior to the expiration of bids, all terms and conditions to be substantially in the form attached hereto as Exhibit "A."

ADOPTED by the Commission of the Port of Seattle at a regular meeting held on the 13th day of December, 1988, and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the seal of the Commission.


(PORT COMMISSIONERS)

SECOND AMENDMENT TO WEST SEATTLE FREEWAY
BRIDGE INTERLOCAL AGREEMENT

THIS SECOND AMENDMENT TO the West Seattle Freeway Bridge Interlocal Agreement is entered into as of _____, 1988 between the PORT OF SEATTLE, a municipal corporation (the Port) and THE CITY OF SEATTLE, a municipal corporation, (the City).

R E C I T A L S:

A. The parties hereto entered into the West Seattle Freeway Bridge Interlocal Agreement dated July 7, 1980, (the Agreement), which provided certain terms and conditions for accomplishment of the West Seattle Freeway Bridge Project.

B. The parties hereto also entered into the First Amendment to the Agreement on June 16, 1988, which provided for an additional monetary contribution by the Port toward the construction of the Project, subject to certain conditions.

C. The parties hereto wish to remove one of the conditions set forth in the First Amendment to the Agreement and also wish to reaffirm their commitment to proceed with construction and completion of Phase II of the Project.

NOW, THEREFORE, in consideration of the mutual benefits and promises contained in the Agreement and in this Amendment thereto, the Port and the City agree as follows:

1. The Agreement and the First Amendment thereto are hereby amended by deleting in its entirety paragraph 9. of the First Amendment, which paragraph heretofore read:

9. The foregoing amendments shall be of no force and effect unless City reaches agreement with King County allowing the City to withdraw funds from the West Seattle Freeway Fund or successor fund as provided in item 6, herein.

2. The Agreement is amended by adding a new Article XIII to read in its entirety as follows:

XIII. CONTRACT FOR PHASE II

Exhibit "A" to Resolution No. 3045

- A. The City shall, prior to December 26, 1988, award the contract for construction of Phase II of the Project, pursuant to the bids for such work outstanding as of the date of this Second Amendment.
- B. The City shall make no further request of the Port of Seattle for funding of the Project in addition to that funding provided for in this Agreement.

3. Except as expressly amended herein, all provisions of the Agreement shall remain in full force and effect.

4. This Second Amendment to the West Seattle Freeway Bridge Interlocal Agreement shall become effective and binding upon the parties hereto upon execution hereof by both parties.

ATTEST:

THE CITY OF SEATTLE
PURSUANT TO
ORDINANCE _____

City Comptroller

Mayor

ATTEST:

PORT OF SEATTLE

By _____

President

Secretary

STATE OF WASHINGTON)
) ss.
THE COUNTY OF KING)

THIS IS TO CERTIFY: That on this _____ day of _____, 19__, before me, the undersigned, a Notary Public in and for the State of Washington, personally appeared _____ and _____, Mayor and _____, City Comptroller, respectively, of The City of Seattle, a municipal corporation, that executed the foregoing instrument and acknowledged to me that they signed and sealed the same as the free and voluntary act and deed of said municipal corporation and on oath stated that they were authorized to execute said instrument and that the seal affixed is the seal of said municipal corporation.

WITNESS my hand and official seal the day and year of this certificate first above written.

Notary Public in and for the
State of Washington, residing
at _____

STATE OF)
) ss.
COUNTY OF)

On this _____ day of _____, 19__, before me, the undersigned, personally appeared _____ and _____, to me known to be the _____ and _____ of the municipal corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said municipal corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public in and for the
State of Washington, residing
at _____