

**FIRST AMENDMENT
TO THE
INTERLOCAL AGREEMENT AUTHORIZING A FLEXIBLE APPROACH
TO SHORELINE PUBLIC ACCESS PROVISION
BETWEEN
THE CITY OF TACOMA
AND
THE PORT OF TACOMA**

THIS FIRST AMENDMENT (the “First Amendment”) TO THE INTERLOCAL AGREEMENT AUTHORIZING A FLEXIBLE APPROACH TO SHORELINE PUBLIC ACCESS PROVISION BETWEEN THE CITY OF TACOMA AND THE PORT OF TACOMA (the “Agreement”), is entered into this _____ day of _____, 2023, by and between the City of Tacoma, a municipal corporation of the State of Washington (the “City”), and the Port of Tacoma, a port district organized under the laws of the State of Washington (the “Port” and, together with the City, the “Parties”).

RECITALS

WHEREAS, the Parties executed the Agreement on December 13, 2013, which provided a flexible approach to shoreline public access for the Port and its tenants to use in fulfilling the public access permit requirements of the City’s Shoreline Master Program;

WHEREAS, paragraph 13 of the Agreement – Duration of Agreement and Termination – states that the Agreement “shall continue for a term of 10 years from the execution date of this Agreement, and may be extended by mutual agreement of the Parties and upon approval of each Parties’ respective legislative body”; and

WHEREAS, the Parties wish to amend the Agreement to allow it to remain in effect for an additional 10-year period.

AGREEMENT

NOW, THEREFORE, pursuant to paragraph 13 of the Agreement, which allows the Parties to extend the Agreement’s term through mutual agreement and approval by their respective legislative bodies, the Parties wish to amend the Agreement as follows:

1. Paragraph 13 of the Agreement – Duration of Agreement and Termination – shall be replaced with the following:

This Agreement shall continue for a term of two (2) years from the execution date of this First Amendment, and shall be further extended automatically thereafter in one (1) year increments until such time as the pending Tideflats Subarea Plan is both adopted and final (inclusive of any appeals). This Agreement may also be further extended by mutual

agreement of the Parties and upon approval of each Parties' respective legislative body, provided however, that any Project for which a completed Shoreline permit application was filed before termination of this Agreement shall be vested to the terms of this Agreement as it exists at the time of permit application.

IN WITNESS WHEREOF, the Parties have executed this Agreement this _____ day of _____, 2023.

CITY OF TACOMA

By: _____

Its: _____

APPROVED AS TO FORM:

Its: _____

City Attorney

PORT OF TACOMA

By: _____

Eric Johnson
Executive Director

APPROVED AS TO FORM:

Heather L. Burgess
Port Legal Counsel

Port Legal Counsel