

RESOLUTION NO. 1045

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AUTHORIZING EXECUTION OF FIRST AMENDMENT TO DEED OF EASEMENTS, COVENANTS AND RESTRICTIONS BETWEEN THE CITY OF UNIVERSITY PLACE AND THE CAL RIPKEN, SR. FOUNDATION

WHEREAS, the City of University Place previously executed a Deed of Easements, Covenants and Restrictions regarding the development and maintenance of the Cirque Park Playground; and

WHEREAS, there has been additional governmental funding made available; and

WHEREAS, this additional funding has additional terms and conditions that should be accommodated; and

WHEREAS, the City agrees with the terms and conditions set forth in the First Amendment;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AS FOLLOWS:

Section 1. Approval of form of First Amendment to Deed of Easements, Covenants and Restrictions. The City Council hereby approves execution of the First Amendment to Deed of Easements, Covenants and Restrictions between the Cal Ripken, Sr. Foundation and the City of University Place substantially the form accompanying this Resolution.

Section 2. Completion of Transaction. The City Manager or his designee is authorized to take and execute any additional measures or documents that may be necessary to complete this transaction, which are consistent with the approved form of documents attached, and the terms of this Resolution.

Section 3. Effective Date. This Resolution shall be effective immediately upon adoption by the City Council.

ADOPTED BY THE CITY COUNCIL ON JUNE 17, 2024.

Javier H. Figueroa, Mayor

ATTEST:

Emelita J. Genetia, City Clerk

APPROVED AS TO FORM:

Matthew S. Kaser, City Attorney

FIRST AMENDMENT TO DEED OF EASEMENTS, COVENANTS AND RESTRICTIONS

This First Amendment ("Amendment") is made effective as of the date last executed below, by and between the City of University Place, a Washington municipal corporation ("Owner"), and CAL RIPKEN, SR. FOUNDATION, INC., a Maryland nonprofit corporation ("Foundation"). Owner and Foundation are sometimes referred to individually as "Party" and collectively as "Parties."

RECITALS

WHEREAS, Owner and Foundation entered into a Deed of Easements, Covenants and Restrictions ("Original Agreement") regarding the development and maintenance of the Cirque Park Playground (the "Project");

WHEREAS, donations were made to the Owner by Washington State Capital in the amount of \$250,260 and Pierce County in the amount of \$50,000, totaling \$300,260 for the Project, as detailed in the Original Agreement;

WHEREAS, the Parties desire to amend the Original Agreement to clarify the use of the Donation for the Project and to ensure that the Donation will not be spent on any other projects;

The Parties agree as follows:

AMENDMENT

1. Use of Donation: The Donation of \$300,260 shall be used exclusively for the development, construction, and maintenance of the Cirque Park Playground, as outlined in the Original Agreement. The Donation shall not be spent on any other projects or purposes without the prior written consent of Foundation.

2. No Other Changes: Except as expressly amended hereby, all other terms and conditions of the Original Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have caused this Amendment to be executed by their duly authorized representatives.

CITY OF UNIVERSITY PLACE,
a Washington municipal corporation, by:

CAL RIPKEN, SR. FOUNDATION, INC.,
a Maryland nonprofit corporation

By: _____
Stephen P. Sugg
City Manager
Date: _____, 2024

By: _____
Steve Salem
President & CEO
Date: _____, 2024

Approved as to Form:

By: _____
Matthew S. Kaser, City Attorney