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733 Market Street, Room 11

Tacoma, WA 98402-3769

Washington State Recorder's Cover Sheet (RCW 65.04) Please print legibly or type information.

Document Title(s) Interlocal Agreement
Grantor(s) City of Tacoma ____ Additional Names on Page ____ of Document
Grantee(s) Port of Tacoma ____ Additional Names on Page ____ of Document
Legal Description (Abbreviated: i.e., lot, block & subdivision name or number OR section/township/range and quarter/quarter section) AGREEMENT AUTHORIZING A FLEXIBLE APPROACH TO SHORELINE PUBLIC ACCESS PROVISION (Resolution No. 41298) Complete Legal Description on Page ____ of Document
Auditor's Reference Number(s) Original Agreement (Resolution38706) was not recorded.
Assessor's Property Tax Parcel/Account Number(s)
Non Standard Fee \$50.00 By signing below, you agree to pay the \$50.00 non standard fee. I am requesting an emergency non standard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document. _____ Signature of Party Requesting Non Standard Recording NOTE: Do not sign above or pay additional \$50.00 fee if document meets margin/formatting requirements. The Auditor/Recorder will rely on the information provided on this cover sheet. Staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

**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 19th day of December, 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

DocuSigned by:
By: Peter Huffman
37BF01BBA2F6491

Its: _____

APPROVED AS TO FORM:

DocuSigned by:
Steve Victor, Deputy City Attorney
97EA3E5E13EF4D3

Its: _____

City Attorney

CITY OF TACOMA

DocuSigned by:
By: City Manager Elizabeth Pauli
5EF9F48393D94A8

Its: _____

PORT OF TACOMA

Eric Johnson
By: _____
Eric Johnson
Executive Director

APPROVED AS TO FORM:

Heather L. Burgess

Heather L. Burgess
Port Legal Counsel



Req. #23-1103

RESOLUTION NO. 41298

1 A RESOLUTION relating to planning and development; authorizing an execution of
 2 an amendment to the Interlocal Agreement with the Port of Tacoma,
 3 regarding shoreline public access under the Shoreline Master Program, until
 such time as the Tideflats Subarea Plan is complete.

4 WHEREAS under the City's Shoreline Master Program, the Port of Tacoma
 5 ("Port") is required to provide public access as mitigation for developing shoreline
 6 areas in a manner that preempts public use, and

7 WHEREAS given the limited opportunities to provide high quality public
 8 access on Port property, the City's Shoreline Master Program authorizes the City
 9 to enter into agreements with the Port and other public agencies for public access
 10 provision geographically separate from the new development site, including the
 11 use of a public access fund and an in-lieu fee, and

12 WHEREAS upon finalization of the Shoreline Master Program, the City
 13 adopted Resolution No. 38706 authorizing the City Manager to execute an
 14 Interlocal Agreement ("Agreement") between the City and Port that: (1) provided a
 15 mechanism to better ensure that public access mitigation helps to create an
 16 integrated and connected public access system, (2) identifies shared priority public
 17 access projects, (3) streamlines permitting for both the Port and private applicants,
 18 (4) provides certainty to the City, Port, and private sector applicants for the
 19 duration of the agreement, and (5) provides a methodology for the use of a public
 20 access fee-in-lieu that can be utilized by the Port and private parties, and

21 WHEREAS the parties executed the Agreement on December 13, 2013,
 22 which provided a flexible approach to shoreline public access for the Port and its
 23 tenants to use in fulfilling the public access permit requirements of the City's
 24 Shoreline Master Program, and
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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 Agreement is set to expire on December 13, 2023, and

WHEREAS on February 10, 2019, the City, Port, Puyallup Tribe of Indians, City of Fife and Pierce County finalized a Work Plan to jointly develop the Tideflats Subarea Plan, which includes consideration of Shoreline Management Act planning requirements, including public access and recreation provisions, and

WHEREAS the Tideflats Subarea Plan is expected to be completed within the next two years and will include recommendations on the provision of public access in the Tideflats area; Now, Therefore



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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the City Manager, or designee, is hereby authorized to enter into an extension of an Interlocal Agreement with the Port of Tacoma, regarding shoreline public access under the Shoreline Master Program for an additional term of two years, and providing for further automatic extensions in one (1) year increments, if necessary, until such time as the pending Tideflats Subarea Plan is both adopted and final.

Adopted November 21, 2023

M Woodards
Mayor

Attest:

Ben
City Clerk

Approved as to form:

Christopher D. Root
City Attorney