

RESOLUTION NO. 2862

RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND ENTER INTO,
ON BEHALF OF THE CITY, A "FIRST AMENDMENT TO LETTER
AGREEMENT" SO AS TO EFFECTUATE TWO (2) SUBSTANTIVE
CHANGES TO THE TERMS OF THE PREVIOUSLY-ENTERED-INTO
"LETTER AGREEMENT" BETWEEN THE CITY AND EIP HOLDINGS II,
LLC

WHEREAS, on April 13, 2021, the City Council voted unanimously to authorize the Mayor to sign and enter into, on behalf of the City, a "Letter Agreement" with EIP Holdings II, LLC, pertaining to a cellular tower located at or about 1303 West Goodlander Road, Selah, WA 98942; and

WHEREAS, the corresponding Resolution for such prior vote is Resolution No. 2843; and

WHEREAS, the Letter Agreement was signed by the Mayor (and the Clerk-Treasurer) on April 13, 2021, and was signed by an agent for EIP Holdings II, LLC, on April 15, 2021; and

WHEREAS, it was subsequently discovered that the signed version of the Letter Agreement was an earlier draft rather than the final negotiated version; and

WHEREAS, as a result of an earlier draft having been signed, two late payment provisions do not accurately reflect what the parties negotiated (prior to the City Council's vote); and


WHEREAS, EIP Holdings II, LLC, has requested that an amendment be implemented in order to change those two provisions to what the parties had actually negotiated; and

WHEREAS, City management agrees that an amendment is warranted; and

WHEREAS, a two-page "First Amendment to Letter Agreement" has been prepared in order to effectuate the two necessary changes;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, that the Mayor be authorized to sign and enter into, on behalf of the City, such First Amendment to Letter Agreement.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 27th day of July, 2021.



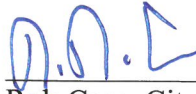
Sherry Raymond, Mayor

ATTEST:

Dale E. Novobielski Clerk/Treasurer



APPROVED AS TO FORM:



Rob Case, City Attorney

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