

ORIGINAL
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Aviation" & Airport
Contract" (DZEPS) file

Please return recorded document to:

City of Kennewick
P. O. Box 6108
Kennewick, WA 99336

FIRST AMENDMENT TO AIRPORT CONTRACT

This First Amendment to the Airport Contract (hereinafter "Amendment") is made and entered into this 6th day of May, 2008, by and between the CITY OF KENNEWICK and the PORT OF KENNEWICK, municipal corporations of the State of Washington.

WHEREAS, an Airport Contract (hereinafter "Contract") was entered into on September 17, 1991, between the City of Kennewick and the Port of Kennewick, conveying in fee simple, title to the property, facilities, and accessories commonly known as Vista Field Airport and other real estate within Vista Field to the Port of Kennewick; and

WHEREAS, the purpose for the sale of the Vista Field Airport was for the continued operation of the Airport and as such the Airport Contract entered into by the parties contained a Reversionary Clause in Section 10 of the contract entitled "Continued Airport Operation;" and

WHEREAS, the reversionary clause states that if the Port of Kennewick takes action to close the airfield, all lands acquired from the City of Kennewick would automatically revert to the City; and

WHEREAS, this contract provision provides that "if unexercised by January 1, 2021, or earlier if agreed to by both parties, shall become null and void;" and

WHEREAS, in the interest of facilitating the Port of Kennewick's consideration of options for future operations at Vista Field Airport, the City of Kennewick and the Port of Kennewick are in agreement that Section 10 of the Airport Contract should be withdrawn and declared void; NOW THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

Section 1. Section 10, of the Airport Contract entitled "Continued Airport Operation" between the City of Kennewick and the Port of Kennewick dated September 17, 1991, recorded under

Auditor's File No. 91-17361, is withdrawn and is hereinafter declared void. All other provisions of the Airport Contract shall remain in effect.

DATED this 6th day of May, 2008.

CITY OF KENNEWICK

BY 
JAMES R. BEAVER, Mayor

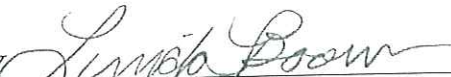
Attest:


VALERIE LÖFFLER, City Clerk


Approved as to form:


LISA BEATON, City Attorney

PORT OF KENNEWICK
BOARD OF COMMISSIONERS

BY 
LINDA BOOMER, President

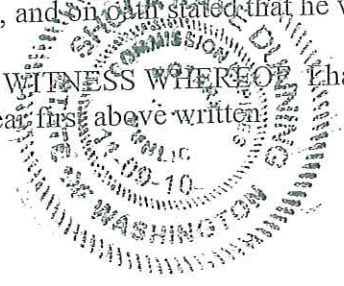
BY 
DAVID HANSON, Vice President

BY 
GENE WAGNER, Secretary

STATE OF WASHINGTON)
) ss.
County of Benton)

On the 6th day of May, 2008, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared JAMES R. BEAVER to me known to be the Mayor of the City of Kennewick, Washington, the corporation that executed the within and foregoing instrument and acknowledged 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 he was authorized to execute said instrument.

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

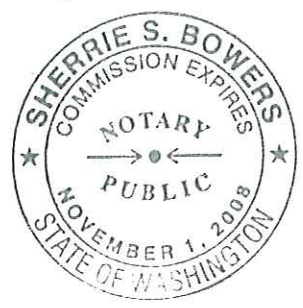


Sherrie Kuffe Dunning
Notary Public in and for the State of Washington,
residing at Kennewick. My Com. Exp.: 11-09-10

STATE OF WASHINGTON)
) ss.
County of Benton)

On the 15 day of June, 2008, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared LINDA BOOMER, DAVID HANSON, AND GENE WAGNER, to me known to be the President, Vice President, and Secretary of the Port of Kennewick, Washington, the corporation that executed the within and foregoing instrument and acknowledged 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.

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



Sherrie Bowers
Notary Public in and for the State of Washington,
residing at Kennewick. My Com. Exp.: 11-01-08