

**PARTIAL TERMINATION OF FIRE STATION LEASE AGREEMENT
BETWEEN
THE CITY OF WENATCHEE
AND
CHELAN COUNTY FIRE PROTECTION DISTRICT NO. 1**

THIS PARTIAL TERMINATION OF FIRE STATION LEASE AGREEMENT BETWEEN THE CITY OF WENATCHEE AND THE CHELAN COUNTY FIRE PROTECTION DISTRICT NO. 1 (“Partial Termination”) is entered into this date by and between the City of Wenatchee, a municipal corporation of the State of Washington (the “City”), and the Chelan County Fire Protection District No. 1, a political subdivision of the State of Washington (the “Fire District”). The City and the Fire District are sometimes collectively referred to herein as the “Parties” or individually as “Party.”

RECITALS

- A. The City annexed into the Fire District effective July 30, 2015;
- B. The City and the Fire District entered into a Pre-Annexation Agreement dated June 17, 2015 which, among other things, provided that the City would lease its’ Fire Station 41 located at 136 S. Chelan and Fire Station 42 at 1420 Maple Street to the Fire District;
- C. The City and the Fire District entered into a Fire Station Lease Agreement dated June 17, 2015 for Fire Stations 41 and 42 (“Lease”);
- D. Pursuant to the Pre-Annexation Agreement, the Fire District pursued development of a new fire facility located within the boundaries of the City, located a suitable site at 731 N. Wenatchee Avenue, Wenatchee, WA and intends to close on the property within a matter of months;
- E. Pursuant to the Pre-Annexation Agreement, the City has surplused and reached an agreement with the Wenatchee School District No. 246 (“School District”) for the purchase and sale of Station 42;
- F. The purchase and sale agreement between the City and the School District requires that as a condition of the sale that the City deliver documentation satisfactory to the School District that the Fire District has agreed to terminate the Lease with the City as it relates to Station 42 and vacate the property on or before the closing date which is scheduled to be on or before June 30, 2019.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing Recitals, which are incorporated herein by this reference, and the following provisions, the Parties agree as follows:

1. **Partial Termination of Lease.** The Parties agree that the Lease shall be partially terminated and of no further force or effect between the Parties not later than June 30, 2019 as it relates solely to Station 42. The Fire District shall vacate the premises of Station 42 on or before June 30, 2019.

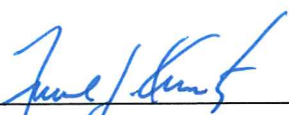
2. **Access to Premises.** The Fire District shall allow the School District, its' officials, employees and agents, reasonable and timely access to the premises of Fire Station 42 for purposes of performing it's feasibility studies related to the afore-described sale.

3. **Full Force and Effect.** Except as modified herein, all other provisions of the Lease shall remain unchanged and in full force and effect as it pertains to Stations 41 and 42.

4. **Governing Law and Venue.** This Partial Termination shall be governed by and interpreted in accordance with Washington law. Any litigation arising out of or in connection with this Partial Termination of Lease shall be conducted in Chelan County, Washington.

5. **Counterpart/Facsimile/E-mail.** This Partial Termination may be executed separately or independently in any number of counterparts and may be delivered by manually signed counterpart, facsimile, e-mail or other electronic means. Each and all of these counterparts shall be deemed to have been executed simultaneously and for all purposes to be one document, binding as such on the parties. The facsimile, e-mail or electronic transmission of any signed original document, and retransmission thereof, shall be the same as delivery of an original. At the request of either party, or the closing agent, the Parties will confirm facsimile, e-mail or electronically transmitted signatures by signing an original document.


CITY OF WENATCHEE

By: 
Frank Kuntz, Mayor
Date 4/18/17


ATTEST:

By: 
Tammy Stanger, City Clerk

CHELAN COUNTY FIRE
PROTECTION DISTRICT NO. 1

By: 
Mike Compton, Commissioner
Date May 3, 2017

By: 
Herb Troxel, Commissioner
Date 5/3/17

By: 
Phil Dormaier, Commissioner
Date May 3, 2017