

**RESOLUTION NO. R-2021-\_\_\_\_\_**

**A RESOLUTION** extending the existing Operations and Maintenance Agreement with the Yakima Area Arboretum

**WHEREAS**, the City of Yakima (City) owns an arboretum property which the Yakima Area Arboretum (Arboretum) currently maintains and operates, and desires that the Jewett Interpretive Center and surrounding property continue to be managed, operated, and maintained as a public park to the general public; and

**WHEREAS**, the City and the, referred to as the “Parties,” entered into an Agreement on or about May 14, 1991 (hereinafter referred to as the “Original Agreement”), which outlined the terms and conditions for the operation of the City’s arboretum property by the Yakima Area Arboretum, a non-profit corporation which has a term ending on May 24, 2021; and

**WHEREAS**, the Parties amended the Agreement to extend the term through August 3, 2021 to continue negotiations for a new operation and maintenance agreement; and

**WHEREAS**, the Parties are currently working together on a long-term operation and maintenance agreement for the arboretum property, but are unable to complete negotiation by the end of the extended agreement term; and

**WHEREAS**, the Parties agreed to extend the Original Agreement’s term to October 6, 2021, or until a new operations and maintenance agreement has been signed, whichever comes first, with all other provisions remaining the same; and

**WHEREAS**, the Parties agreed that if a new agreement regarding the operation and maintenance of the arboretum property is not signed by October 6, 2021, and the Parties have not otherwise agreed to an extension, the Original Agreement shall terminate; and

**WHEREAS**, all other terms, covenants and conditions of the Original Agreement shall continue in full force and effect throughout the extended term; and

**WHEREAS**, the Parties hereby agree to extend the term of the Original Agreement in accordance with the terms of the Original Agreement as well as the terms provided herein to accommodate the continued discussions on a new operation and maintenance agreement for the Yakima Area Arboretum to maintain and operate the City’s arboretum property; and

**WHEREAS**, the Parties are long-standing partners in the operation and maintenance of the arboretum property and have been and are working together to formalize the continued operations and maintenance of the arboretum property, and

**WHEREAS**, the extension merely extends the Original Agreement to allow for negotiations to continue and the resulting operations and maintenance agreement will be placed in front of City Council for review and decision prior to the new termination date; and

**WHEREAS**, the City Council of the City of Yakima finds that it is in the best interests of the City and its residents to extend the term of the Original Agreement to allow the Parties additional time to negotiate the terms of a new operations and maintenance agreement for the arboretum property and ratify the contract signed by the City Manager; now, therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YAKIMA:**

The City Manager is hereby authorized to execute the Yakima Area Arboretum Agreement Extension with the Yakima Area Arboretum to provide for the operation and maintenance of the City's arboretum property until a new agreement is entered into or October 6, 2021, whichever occurs first.

ADOPTED BY THE CITY COUNCIL this 2<sup>nd</sup> day of August, 2021.

ATTEST:

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Patricia Byers, Mayor

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Sonya Claar Tee, City Clerk