



RETURN ADDRESS

City of Vancouver - City Clerk's Office
P.O. Box 1995
Vancouver, WA 98668-1995

Please print neatly or type information

Document Title(s)

Addendum to Development Agreement

Reference Number(s) of related documents:

Auditor's File No. 3305320; 3589540

Additional Reference #'s on page ____

Grantor(s) (Last name, First name and Middle Initial)

Columbia Tech Center and
Clark Community College District #14 Foundation

Additional grantors on page ____

Grantee(s) (Last name, First name and Middle Initial)

City of Vancouver

Additional grantees on page ____

Legal Description: (abbreviated form: i.e. lot, block, plat or section township, range, quarter/quarter)

#35 Sec 31 T2N R3E WM

Additional legal is on page ____

Assessor's Property Tax Parcel/Account Number

176621-000

Additional parcel #'s on page ____

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

**RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:**

Stephen W. Horenstein
Miller Nash LLP
500 East Broadway, Suite 400
Post Office Box 694
Vancouver, Washington 98666-0694

Grantors : Columbia Tech Center, L.L.C.;
Clark Community College District No. 14 Foundation
Grantee : City of Vancouver, Washington
Abbreviated Legal : #35 SEC 31 T2N R3E WM
Assessor's Tax Parcel Nos. : 176621-000
Prior Excise Tax No. :
Other Reference No(s). : 3305320

ADDENDUM TO COLUMBIA TECH CENTER DEVELOPMENT AGREEMENT

Effective Date:

February 3, 2003

Parties:

COLUMBIA TECH CENTER, L.L.C., a
Washington limited liability company (hereinafter
referred to as "CTC LLC"); and

CLARK COMMUNITY COLLEGE DISTRICT
NO. 14 FOUNDATION, a Washington nonprofit
corporation (hereinafter referred to as "Clark
College Foundation"); and

CITY OF VANCOUVER, WASHINGTON, a
Washington municipal corporation (hereinafter
referred to as the "City").

Recitals:

A. CTC LLC, the County, and the City executed a Development Agreement dated November 20, 2000, and recorded under Auditor's File No. 3305320 (the "CTC

Development Agreement"), to govern and vest the development of the property described therein (the "CTC Property").

B. Clark College Foundation owns approximately 9.6 acres within the City and contiguous to the CTC Property, legally described in Exhibit "A," attached hereto and incorporated fully by this reference (hereinafter the "Foundation Property").

C. The parties desire to add the Foundation Property to the CTC development and govern its development with the CTC Development Agreement.

NOW, THEREFORE, the parties agree as follows:

1. **Purpose.** The purpose of this Addendum is to:

1.1 Apply the CTC Development Agreement to the Foundation Property;

1.2 Provide for the release of a rezone covenant on the Foundation Property;

and

1.3 Provide for vesting as provided in Section 6 below.

2. **Agreement.** This Addendum modifies the CTC Development Agreement recorded under Auditor's File No. 3305320. In the event of any conflict between this Addendum and the CTC Development Agreement, this Addendum shall control.

3. **Application of CTC Development Agreement to Foundation Property.** The Foundation Property is hereby incorporated into the CTC development and made subject to the development standards, landscaping and screening standards, and all other provisions of the CTC Development Agreement.

4. **Zoning and Mix of Uses.** The Foundation Property is now zoned Light Industrial. Consistent with the CTC Property, through separate City action occurring simultaneously with the adoption of this Addendum, the City will apply a Mixed Use overlay to the Foundation Property. The Foundation Property will be designated as light industrial CTC zoning.

5. **Covenant Release.**

5.1 The Foundation Property is currently burdened by a rezone covenant recorded under Auditor's File No. 7907200146. The City will, prior to or simultaneously with its execution of this Addendum, take action to release this rezone covenant.

5.2 The terms of the rezone covenant described in this Section 5 shall be replaced by the terms of this Addendum.

6. **Vesting.** This Addendum vests the development of the Foundation Property to the CTC development standards and other provisions of the CTC Development Agreement.

7. **Run with the Land.** This Addendum shall be binding on the parties' successors and assigns. This Addendum shall be recorded with the Clark County Auditor.

8. **Term.** This Addendum shall be in effect so long as the twenty-five (25) year term of the CTC Development Agreement has not yet expired. As provided in the CTC Development Agreement, the parties may mutually agree to extend the term.


9. **Public Hearing.** The Vancouver City Council has approved execution of this Addendum by resolution after a public hearing.

CITY OF VANCOUVER

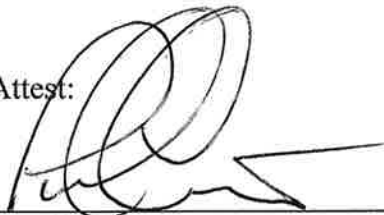
COLUMBIA TECH CENTER, L.L.C.




Pat McDonnell, City Manager




Pacific Realty Associates, L.P., Member
By: Pac Trust Realty, Inc., General Partner
By: Peter F. Bechen
Title: President and Chief Executive Officer

Attest:


Paul Lewis, City Clerk



Steven L. Madison, Member



Jeffrey S. Gordon, Member

Approved as to form:

**CLARK COMMUNITY COLLEGE
DISTRICT NO. 14 FOUNDATION**



Ted Gathe, City Attorney

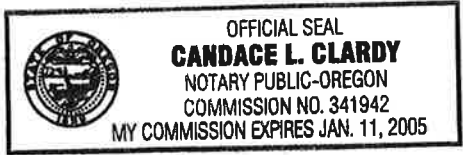


By: Elson Strahan
Title: President

STATE OF Oregon WASHINGTON)
County of Washington Clark : SS.)

I certify that Peter F. Bechen appeared personally before me and that I know or have satisfactory evidence that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the President and Chief Executive Officer of Pac Trust Realty, Inc., General Partner of Pacific Realty Associates, L.P., Member of Columbia Tech Center, L.L.C. to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this 19 day of February, 2003.



Candace J. Clardy
NOTARY PUBLIC FOR WASHINGTON Oregon
My Commission Expires: 1-11-05

STATE OF WASHINGTON)
County of Clark : SS.)

I certify that Steven L. Madison appeared personally before me and that I know or have satisfactory evidence that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as a Member of Columbia Tech Center, L.L.C. to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this 18th day of February, 2003.



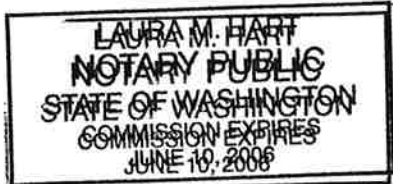
Marika Raye Wilkerson
NOTARY PUBLIC FOR WASHINGTON
My Commission Expires: October 1, 2004



STATE OF WASHINGTON)
: ss.
County of Clark)

I certify that Jeffrey S. Gordon appeared personally before me and that I know or have satisfactory evidence that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as a Member of Columbia Tech Center, L.L.C. to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this 24th day of February, 2003.

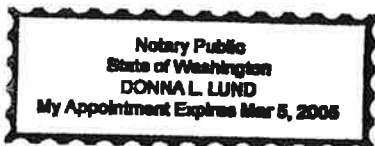


Laura M. Hart
NOTARY PUBLIC FOR WASHINGTON
My Commission Expires: 6/10/06

STATE OF WASHINGTON)
: ss.
County of Clark)

I certify that Elson Stradan appeared personally before me and that I know or have satisfactory evidence that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the President of Clark Community College District No. 14 Foundation to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this 26th day of February, 2003.



Donna L. Lund
NOTARY PUBLIC FOR WASHINGTON
My Commission Expires: 3-5-05

STATE OF WASHINGTON)
: ss.
County of Clark)

I certify that Pat McDonnell, appeared personally before me and that I know or have satisfactory evidence that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the City Manager of the City of Vancouver to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this 4th day of February, 2003.

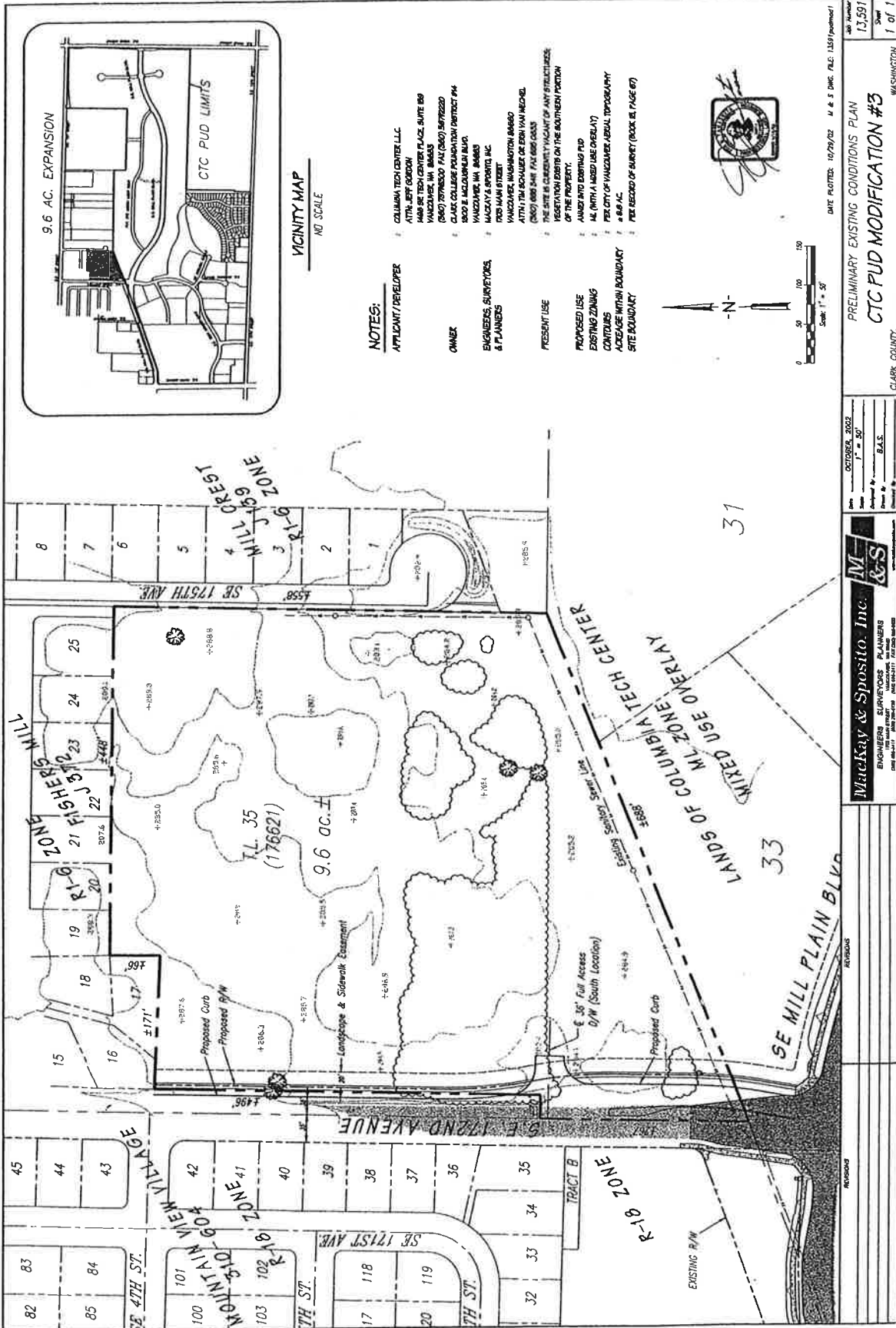


Mary L. White
NOTARY PUBLIC FOR WASHINGTON
My Commission Expires: 11-8-03
Residing in Vancouver



A parcel of property in the Northwest quarter of Section 31, Township 2 North, Range 3 East of the Willamette Meridian in Clark County, Washington, described as follows:

BEGINNING at a point on the West line of said Northwest quarter of Section 31, South 01'24'59" West 1079.81 feet from the Northwest corner of said Northwest quarter of Section 31; thence South 89'22'18" East 30.00 feet; thence North 01'24'59" East parallel to the West line of said Northwest quarter of Section 31 a distance of 495.70 feet, more or less, to the North line of that tract conveyed to Tektronix, Inc., by deed recorded under Auditor's File No. 7907130207; thence South 87'50'13" East along said South line 170.68 feet, more or less, to an interior corner in said Tektronix, Inc. tract; thence North 00'37'42" East along the West line of said Tektronix, Inc. tract 66.45 feet, more or less, to the North line of said Tektronix, Inc. tract; thence South 89'22'18" East along said North line 448.02 feet, more or less, to the Northeast corner of said Tektronix, Inc. tract; thence South 01'24'58" West along the East line of said Tektronix, Inc. tract 557.58 feet; thence South 68'17'58" West 687.97 feet; thence South 69'31'30" West 16.17 feet, more or less, to the West line of said Northwest quarter of Section 31; thence North 01'24'59" East along said West line 267.22 feet to the point of beginning.



9

RETURN ADDRESS

City of Vancouver City Clerk's Office
P.O. Box 1995
Vancouver, WA 98668-1995

Please print neatly or type information

Document Title(s)

Release of Covenant

Reference Number(s) of related documents:

Auditor's File No: 7907200146

Additional Reference #'s on page ____

Grantor(s) (Last name, First name and Middle Initial)

City of Vancouver

Additional grantors on page ____

Grantee(s) (Last name, First name and Middle Initial)

Clark College Foundation

Additional grantees on page ____

Legal Description: (abbreviated form: i.e. lot, block, plat or section township, range, quarter/quarter)

#35 Sec 31 T2N R3E WM

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P O Box 1995
Vancouver, WA 98668-1995

RELEASE OF COVENANT

KNOW ALL MEN BY THESE PRESENT: That the City of Vancouver, for and in consideration of one dollar (\$1.00) and other good and valuable consideration does hereby release the conditions of that rezone covenant recorded under Auditor's File No. 7907200146 only as it applies that property described as follows:

See legal description, attached hereto as Exhibit "A" and depicted in Exhibit "B", and incorporated herein by this reference.

The covenant shall remain in effect as it applies to all other property.

Executed this 3rd day of February, 2003.

CITY OF VANCOUVER

By: Pat McDormell
Pat McDormell, City Manager

Approved as to form:

Ted H. Gathe
Ted H. Gathe, City Attorney

Attest: Paul Lewis
Paul-Lewis, City Clerk

State of Washington)
 :SS.
County of Clark)

I certify that I know or have satisfactory evidence that Pat McDonnell is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this 4th day of February, 2003.

Mary L. White
NOTARY PUBLIC in and for the state
of Washington residing at Vancouver
My Commission expires: 11-8-03

A3011402/GT:MW





3589540

Page: 4 of 5
02/19/2003 09:19A
Clark County, WA

CITY OF VANCOUVER

R

23.00

3608344

Page: 13 of 14
03/26/2003 09:51A
Clark County, WA

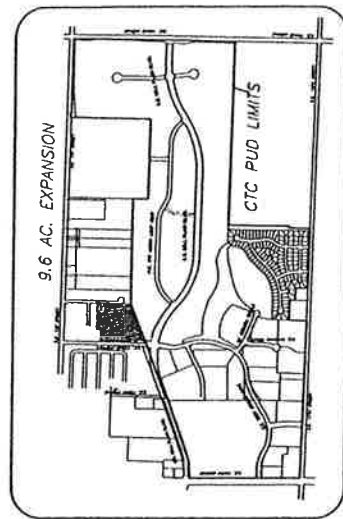
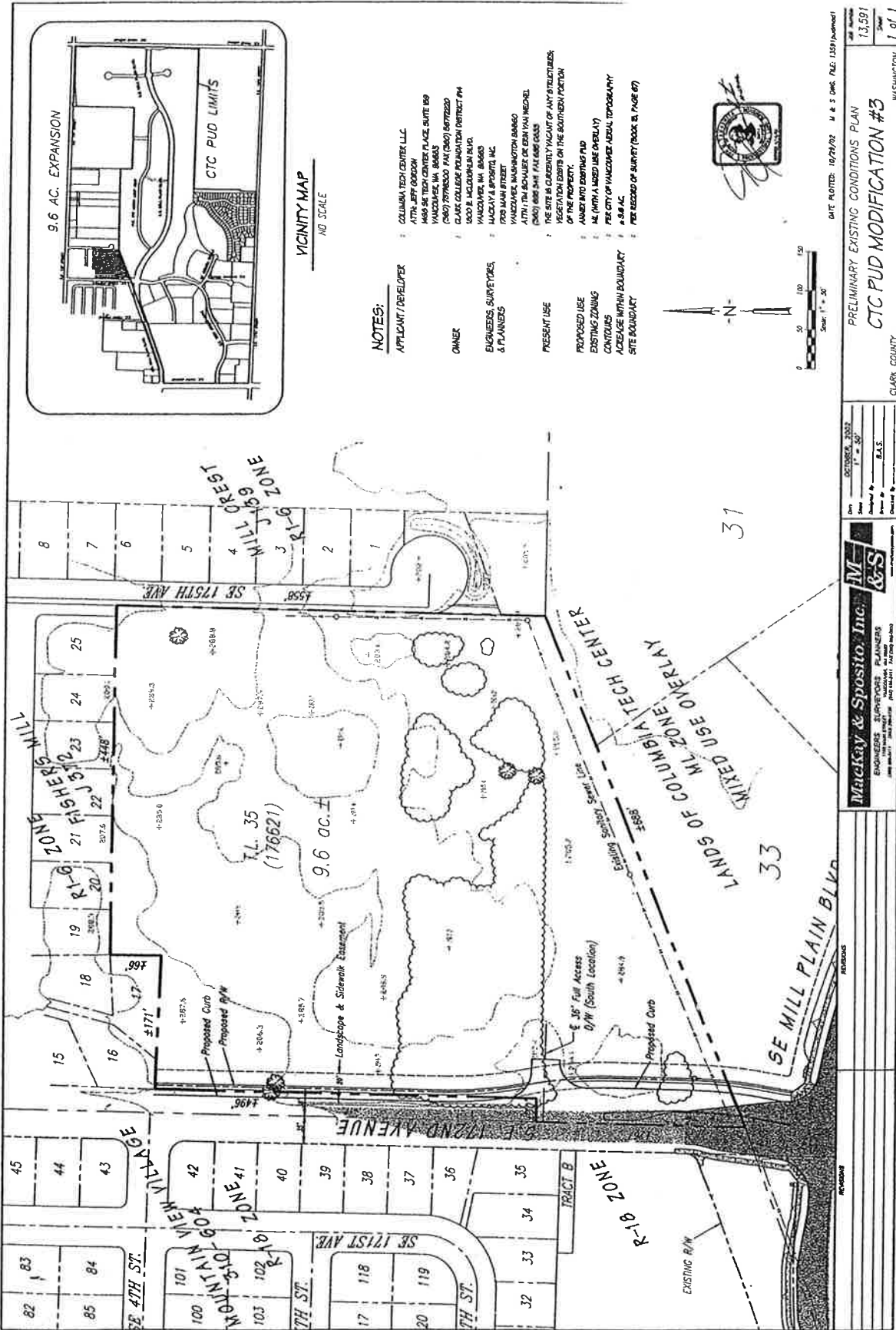
CITY OF VANCOUVER

ADD

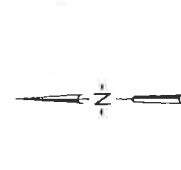
51.00

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BEGINNING at a point on the West line of said Northwest quarter of Section 31, South 01'24'59" West 1079.81 feet from the Northwest corner of said Northwest quarter of Section 31; thence South 89'22'18" East 30.00 feet; thence North 01'24'59" East parallel to the West line of said Northwest quarter of Section 31 a distance of 495.70 feet, more or less, to the North line of that tract conveyed to Tektronix, Inc., by deed recorded under Auditor's File No. 7907130207; thence South 87'50'13" East along said South line 170.68 feet, more or less, to an interior corner in said Tektronix, Inc. tract; thence North 00'37'42" East along the West line of said Tektronix, Inc. tract 66.45 feet, more or less, to the North line of said Tektronix, Inc. tract; thence South 89'22'18" East along said North line 448.02 feet, more or less, to the Northeast corner of said Tektronix, Inc. tract; thence South 01'24'58" West along the East line of said Tektronix, Inc. tract 557.58 feet; thence South 68'17'58" West 687.97 feet; thence South 69'31'30" West 16.17 feet, more or less, to the West line of said Northwest quarter of Section 31; thence North 01'24'59" East along said West line 267.22 feet to the point of beginning.



- NOTES:**
- APPLICANT/DEVELOPER: COLUMBIA TECH CENTER LLC, ATTN: ERIK CARSON, 1469 SE TECH CENTER PLACE, SUITE 800, VANCOUVER, WA 98685, (206) 779-0000 FAX (206) 877-2220, CLARK COLLEGE FOUNDATION DISTRICT PM, 3000 E. MCDONALD BLVD., VANCOUVER, WA 98685, WACKAY & SPOSITO, INC., 1700 MAIN STREET, VANCOUVER, WASHINGTON 98660, ATTN: JAMES WACKAY, MICHEL (206) 836-5444 FAX (206) 836-5444
 - OWNER: THE SITE IS CURRENTLY VACANT OF ANY STRUCTURES OF THE PROPERTY.
 - BUSINESS, SURVEYORS, & PLANNERS: WACKAY & SPOSITO, INC., 1700 MAIN STREET, VANCOUVER, WASHINGTON 98660, ATTN: JAMES WACKAY, MICHEL (206) 836-5444 FAX (206) 836-5444
 - PRESENT USE: VEGETATION EXISTS ON THE SOUTH SIDE OF THE PROPERTY.
 - PROPOSED USE: ADDED INTO EXISTING PAD
 - EXISTING ZONING: R-18 (WITH A MIXED USE OVERLAY)
 - CONTOURS: PER CITY OF VANCOUVER AERIAL TOPOGRAPHY ± 5.0 AC.
 - ADVEASE WITHIN BOUNDARY: PER RECORD OF SURVEY (BOOK 8, PAGE 67)
 - SITE BOUNDARY: PER RECORD OF SURVEY (BOOK 8, PAGE 67)



DATE PLOTTED: 10/27/02	4 x 5 SHEET FILE: 135713.dwg
PRELIMINARY EXISTING CONDITIONS PLAN	
CTC PUD MODIFICATION #3	
DATE: 02/19/2003	JOB NUMBER: 13591
SCALE: 1" = 50'	SHEET: 5 OF 5
DESIGNED BY: J.A.S.	CHECKED BY: J.A.S.
Marekay & Sposito, Inc. ENGINEERS, SURVEYORS, PLANNERS	
1000 10TH AVENUE, SUITE 1000, VANCOUVER, WA 98660	
CLARK COUNTY, WASHINGTON	

