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Page: 1 of 10  
07/02/2003 01:03P  
Clark County, WA

CITY OF VANCOUVER

ADD

28.00

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 #3305320; 3589540**

Additional Reference #'s on Page \_\_\_\_

Grantor(s)

**Columbia Tech Center, LLC**

Additional Grantors on Page \_\_\_\_

Grantee(s)

**City of Vancouver**

Additional Grantees on Page \_\_\_\_

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

Additional Legal on Page \_\_\_\_

Assessor's Property Tax Parcel/Account Number

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.  
Grantee : City of Vancouver, Washington  
Abbreviated Legal :  
Assessor's Tax Parcel Nos. :  
Prior Excise Tax No. :  
Other Reference No(s). : 3305320

**SECOND ADDENDUM TO COLUMBIA TECH CENTER  
DEVELOPMENT AGREEMENT**

**Effective Date:** May 19, 2003

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

B. CTC LLC, the Clark Community College District No. 14 Foundation, and the City executed an Addendum to the CTC Development Agreement dated February 3,

2003, and recorded under Auditor's File No. 3599540 (the "Addendum"), to add approximately 9.6 acres to the CTC development.

C. The current boundaries of the entire CTC development are legally described in Exhibit "A," attached hereto and incorporated fully by this reference.

D. The parties desire to clarify the CTC Development Agreement for the consistent application and administration of zoning and use categories throughout the entire CTC development.

NOW, THEREFORE, the parties agree as follows:

1. **Purpose.** The purpose of this Second Addendum is to clarify the CTC Development Agreement for the consistent application and administration of zoning and use categories by expressly extending the provisions and limitations of Section 14 of the CTC Development Agreement to the entire CTC development (including Phase I) legally described in Exhibit "A."

2. **Agreement.** This Second Addendum modifies the CTC Development Agreement recorded under Auditor's File No. 3305320 and the Addendum recorded under Auditor's File No. 3589540. In the event of any conflict between this Second Addendum and the CTC Development Agreement or the Addendum, this Second Addendum shall control.

3. **Zoning and Use Categories.** The parties to this Second Addendum recognize that the precise location of the CTC use categories within the entire CTC development is flexible and subject to CTC LLC's discretion, and agree that, so long as CTC LLC's Master Plan for the properties subject to this Second Addendum falls within the composition described in this Section 3, the location of the CTC use categories may be electively assigned by CTC LLC. Other uses on upper stories of a structure included as part of a Mixed Use development on a parcel will not be subject to the limitations described in this Section 3. The following limitations govern the currently undeveloped acreage, which is depicted in the site map attached as Exhibit "B":

(a) **Residential.** No more than 64.4 acres of the net remaining developable acres in the CTC development shall be designated as residential CTC zoning as defined in the CTC Development Standards.

(b) **Commercial.** No more than 64.4 acres of the net remaining developable acres in the CTC development shall be designated as commercial CTC zoning as defined in the CTC Development Standards.

(c) Light Industrial. The Former HP Site (approximately 39 acres) and a minimum of 89.2 acres of the net remaining developable acres in the CTC development shall be designated as light industrial CTC zoning according to the CTC Development Standards.

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

5. **Term.** This Second 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.

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

-- signatures on next page --

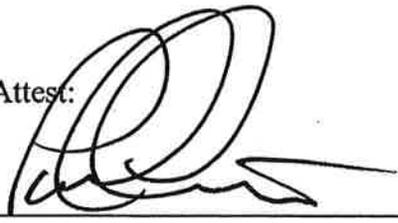
**CITY OF VANCOUVER**

  
By: Pat McDonnell  
Title: City Manager

**COLUMBIA TECH CENTER, L.L.C.**

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

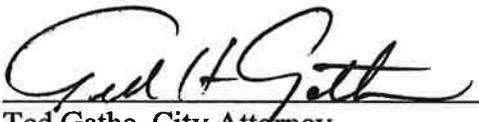
Attest:

  
Paul Lewis, City Clerk

  
Steven L. Madison, Member

  
Jeffrey S. Gordon, Member

Approved as to form:

  
Ted Gathe, City Attorney



STATE OF ~~WASHINGTON~~ <sup>Oregon</sup> )  
County of ~~Clark~~ <sup>Washington</sup> ) : 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 29<sup>th</sup> day of May, 2003.

Candace J. Clark  
NOTARY PUBLIC FOR WASHINGTON <sup>Oregon</sup>  
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 23<sup>rd</sup> day of MAY, 2003.

UMBERTO A. CARBONE  
NOTARY PUBLIC  
STATE OF WASHINGTON  
COMMISSION EXPIRES  
SEPTEMBER 1, 2006

Umberto A. Carbone  
NOTARY PUBLIC FOR WASHINGTON  
My Commission Expires: 9/1/06

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 28<sup>th</sup> day of May, 2003.

LAURA M. HART  
NOTARY PUBLIC  
STATE OF WASHINGTON  
COMMISSION EXPIRES  
JUNE 10, 2006

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

STATE OF WASHINGTON )  
: ss.  
County of Clark )

I certify that PAT M'Donnell 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 20<sup>th</sup> day of May, 2003.

MARY L. WHITE  
COMMISSION EXPIRES  
NOTARY  
PUBLIC  
NOVEMBER 8, 2003  
STATE OF WASHINGTON

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



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10/17/02  
btm  
Rev. 4/7/03

www.mackaysposito.com



EXHIBIT A

LEGAL DESCRIPTION  
COLUMBIA TECH CENTER  
2003 REVISED PLANNED UNIT DEVELOPMENT  
VANCOUVER, CLARK COUNTY, WASHINGTON

Real property situated in Clark County, Washington and lying in the East half of Section 36, Township 2 North, Range 2 East and Section 31, Township 2 North, Range 3 East of the Willamette Meridian, more particularly described as follows:

That tract of land conveyed to C.T.C. Investments, L.L.C. from Tektronix, Inc. by deed recorded under Auditor's File No. 9512280327. records of said county.

ALSO

That tract of land conveyed to Columbia Tech Center, L.L.C. from Hewlett-Packard Company, by deed recorded under Auditor's File No. 3001330, records of said county.

ALSO

That tract of land conveyed to Columbia Tech Center, L.L.C. from Hewlett-Packard Company by deed recorded under Auditor's File No. 3208308, records of said county.

ALSO

That tract of land conveyed to Columbia Tech Center, L.L.C. from Walter M. Musa, Jr., Christopher Musa and Deanna Browning by deed recorded under Auditor's File No. 9806150265, records of said county.

ALSO

That tract of land conveyed to Columbia Tech Center, L.L.C. form Pacific Rock Products, L.L.C. by deed recorded under Auditor's File No. 9806300542, records of said county.

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10/17/02  
btm  
Rev. 4/7/03

ALSO

That tract of land conveyed to Columbia Tech Center, L.L.C. from Sharon Shaffer by deed recorded under Auditor's File No. 9702240256, records of said county.

ALSO

That tract of land conveyed to Columbia Tech Center, L.L.C. from Dale A. Dalke and Diana K. Dalke by deed recorded under Auditor's File No. 9709160270, records of said county.

ALSO

That tract of land conveyed to Clark Community College District No. 14 Foundation from Tektronix, Inc. by deed recorded under Auditor's File No. 9403270421, records of said county.

Subject to easements and restrictions of record.

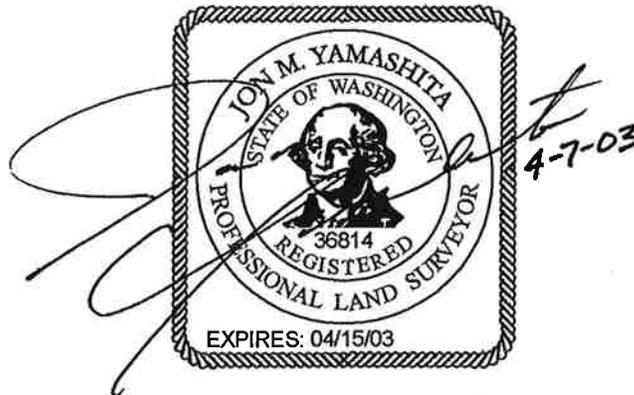




EXHIBIT "B"

COLUMBIA TECH CENTER

