

**AMENDMENT NO. 1
TO AGREEMENT BETWEEN
THE CITY OF SEATTLE PUBLIC UTILITIES
AND THE UNITED STATES
ARMY CORPS OF ENGINEERS SEATTLE DISTRICT**

WHEREAS, Public Law 109-99, was signed into law on November 11, 2005, extending the sunset clause for Section 214 of the WRDA 2000 to March 31, 2006.

NOW, THEREFORE,

The December 19, 2003 Agreement between the City of Seattle Public Utilities (City) and the Department of the Army, represented by the United States Army Corps of Engineers, Seattle District Engineer (Seattle District) collectively referred to as "the Parties," is amended as follows:

ARTICLE VII. – AMENDMENT, MODIFICATION AND TERMINATION

Paragraphs B and C of Article VII are deleted and replaced with the following:

B. The provisions of this Agreement shall remain in force consistent with the provisions of the statutory authority until March 31, 2006, unless the Agreement is first terminated under this article.

C. Within ninety (90) days of termination, or the expiration of the Agreement, without further amendment or renewal, the Seattle District shall conduct an accounting to determine the actual costs of the work. Within thirty (30) days of completion of this accounting, the Seattle District shall provide to the City an accounting of the costs and return to the City any funds advanced in excess of the actual costs. Funds may be provided to the City either by check or by electronic funds transfer.

This Amendment shall become effective when signed by both the City and the Seattle District.

City of Seattle

U.S. Army Corps of Engineers,
Seattle District



Chuck Clarke
Director, Seattle Public Utilities

Debra M. Lewis
Colonel, Corps of Engineers
District Engineer

DATE:
12/9/05

DATE: 12/13/05