

**RESOLUTION NO. 1451
CITY OF PRINEVILLE, OREGON**

**A RESOLUTION AMENDING A SOLAR LEASE AGREEMENT WITH WESTLAKE
SOLAR PANELS**

Whereas, the City of Prineville (“City”) and Westlake Solar Panels (“Westlake”) entered into a Solar Lease Agreement (“Agreement”) effective April 1, 2020.

Whereas, the Agreement provided certain easements to Westlake during the term of the Agreement. Clarification is required for the duration of those easements.

Whereas, an Amendment to the Agreement has been prepared to memorialize the agreement between the City and Westlake and a copy of that document is attached to this Resolution; and

Whereas, City staff recommends that the attached Amendment to the Agreement be approved by City Council.

Now, Therefore, the City of Prineville resolves as follows:


1. The attached Amendment to Solar Lease Agreement is approved.
2. The Mayor and City Manager are authorized and instructed to execute on behalf of the City the Amendment to Solar Lease Agreement

Approved by the City Council this 14th day of July, 2020.



Stephen P. Uffelman, Mayor

ATTEST:



Lisa Morgan, City Recorder

AMENDMENT TO SOLAR SITE LEASE AGREEMENT

This First Amendment to the Solar Site Lease Agreement (“Amendment”) is entered into as of the last date written below, by and between City of Prineville, a municipality of the State of Oregon (“City”), and Westlake Solar Panels, a limited liability company formed under the State of Washington (Lessee”). City and Lessee shall each be referred to as “Party”; and collectively as “Parties.”

RECITALS


- A. City and Lessee entered into a Solar Site Lease Agreement (“Agreement”) effective on April 1, 2020.
- B. The Agreement provided Lessee with certain Easements during the course of its tenancy.
- C. The Parties desire to amend the Agreement to clarify that in the event of termination of either the Agreement or Power Purchase Agreement (“PPA”), which was executed contemporaneously with the Agreement, all easements shall be revoked.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Parties agree as follows:

1. **Original Agreement.** Except as otherwise amended herein, the terms of the original Agreement shall remain in full force and effect. For any provision in which the Agreement and this Amendment conflict, this Amendment shall prevail.
2. **Easement Revocation.** The Parties hereby agree that any Easements granted by City in favor of Lessee shall be revoked upon the termination of either the Agreement or PPA.
3. **Execution in Counterparts.** This Amendment may be executed in one or more counterparts, including electronically transmitted counterparts, which when taken together shall constitute one in the same instrument.

[Signature Page to Follow]

IN WITNESS WHEREOF, the Parties being fully apprised agree to be bound by the terms of this Amendment No. 1.




City of Prineville
By: Stephen P. Uffelman, its Mayor

7-14-2020
Date

City of Prineville
By: Steve Forrester, its City Manager

7-14-2020
Date



Westlake Solar Panels, LLC
By: Peter Parker, its CFO/COO

June 20th, 2020
Date