

AMENDMENT TO THE AGREEMENT ENTERED INTO BETWEEN
THE CITY OF SALEM AND
ORCHARD HEIGHTS WATER ASSOCIATION, Inc.,

This Amendment, made and entered into this ____ day of _____, 2018, between Orchard Heights Water Association, a cooperative corporation of the State of Oregon (“Orchard Heights”), and the City of Salem, a municipal corporation of the State of Oregon (“City”), is intended to amend the agreement entered into by the City and Orchard Heights on April 29, 2011.

WHEREAS, the City and Orchard Heights are interested in negotiating an updated agreement governing the provisions of water service to Orchard Heights;

WHEREAS, the City and Orchard Heights would like to update the water connection points listed under RECITAL (2).

WHEREAS, the City and Orchard Heights would like to extend the Agreement that was set to expire on June 30, 2018.

NOW THEREFORE, in exchange for the mutual covenants and agreements herein contained, the City and Orchard Heights agree as follows:

1. Recital (2) of the Agreement shall be amended to read the following:

“Currently, the Orchard Heights system receives water from the City of Salem at several connection points at the following locations: Landaggard Drive NW; Doaks Ferry Road NW; and Emerald Lane NW.”

2. Section 15 of the Agreement shall be amended to read the following:

“**Term and Termination.** The term of this Agreement is for ~~nine~~twelve years and will automatically expire on ~~June 30, 2023~~June 30, 2023, but may be extended by agreement of both parties. Provided, however, this Agreement can be terminated at any time and for any reason by either party by giving six months (6) notice in writing.

3. It is hereby specifically agreed by the City and Orchard Heights that Recital (2) and Section 15 of the Agreement shall be amended in accordance with the foregoing paragraphs, and that all remaining sections of said Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have, by approval of their respective governing bodies, caused this Agreement to be executed:

Orchard Heights Water Association, Inc:

City of Salem:

By: _____
Jennifer Meltzer, President

By: _____
Steven D. Powers, City Manager
City of Salem

Date: _____

Date: _____

APPROVED AS TO FORM:

By: _____
City Attorney