

CONFORMED COPY

King County
Department of Natural Resources and
Water and Land Resources Division
Open Space Acquisitions Unit

Attention: David Tiemann

MS – KSC – NR – 0600

201 SOUTH JACKSON STREET, SUITE 600

Seattle, WA 98104

(206) 296-7775

(206) 296-0192 FAX

20110428000812

KING COUNTY DE AMND
PAGE-001 OF 004
04/28/2011 14:22

0.00

Amendment to Conservation futures
Interlocal Cooperation Agreement
Between King County and the City of Bellevue for
Open Space Acquisition Projects

April 27, 2011

Department: DNRP/WLRD Open Space Acquisitions Unit

**Parties: City of Auburn and
King County**

Project: Conservation Futures

Amendment B

**AMENDMENT TO THE CONSERVATION FUTURES
INTERLOCAL COOPERATION AGREEMENT
BETWEEN KING COUNTY AND THE CITY OF AUBURN
FOR OPEN SPACE ACQUISITION PROJECTS**

Preamble

The King County Council, through Ordinance 9128, has established a Conservation Futures Levy Fund and appropriated proceeds to King County, the City of Seattle and certain suburban cities through the procedures set forth in Ordinance 8867, as amended by Ordinance 14714. This amendment is entered into to provide for the allocation of additional funds made available for open space acquisition.

THIS AMENDMENT is entered into between the CITY OF AUBURN and KING COUNTY, and amends and attaches to and is part thereof of the existing Interlocal Cooperation Agreement entered into between the parties on the 3rd day of October, 2005.

The parties agree to the following amendments:

Amendment 1: Article 1. Recitals

A paragraph is hereby added to the Recitals Section to provide for a Conservation Futures Levy Fund allocation for the Smith/Fenster Levee Green River Setback open space acquisition project, and hereafter reads:

- On November 24, 2008, the King County Council passed Ordinance 16312, which appropriated a total of One Hundred and Thirty Thousand Dollars (\$130,000) in Conservation Futures Levy proceeds to the City of Auburn for the Smith/Fenster Levee Green River Setback acquisition Project. On April 6, 2009 the King County Council passed Ordinance 16442, authorizing the King County Executive to enter into interlocal agreements with the City of Seattle and the suburban cities for the disbursement of Conservation Futures Funds in Ordinance 16312.

Amendment 2: Article V. Conditions of Agreement

Section 5.1 is amended to include Attachment B, which lists a 2008 Conservation Futures Levy Allocation for the Smith/Fenster Levee Green River Setback acquisition Project.

Amendment 3: Article VII. Responsibilities of County

The first two sentences of this article are amended to include Attachment B, which lists a 2009 Conservation Futures Levy proceeds allocation for the Smith/Fenster Levee Green River Setback acquisition Project:

Subject to the terms of this agreement, the County will provide Conservation Futures Levy Funds in the amounts shown in Attachments A through B to be used for the Projects listed in Attachments A through B. The City may request additional funds; however, the County has no obligation to provide funds to the City for the Projects in excess of the total amounts shown in Attachments A through B. The County assumes no obligation for the future support of the Projects described herein except as expressly set forth in this agreement.

AMENDMENT 4: Attachment B

The attachments to the interlocal agreement are hereby amended by adding Attachment B, which is hereby attached to the interlocal agreement, incorporated therein and made a part thereof.

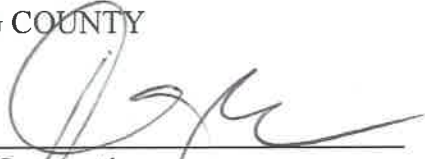
In all other respects, the terms, conditions, duties and obligations of both parties shall remain the same as agreed to in the Interlocal Cooperation Agreement as previously amended.

This document shall be attached to the existing Interlocal Cooperation Agreement.

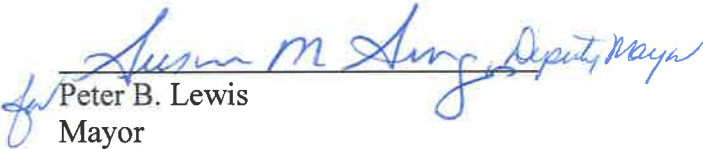
IN WITNESS WHEREOF, authorized representatives of the parties hereto have signed their names in the spaces set forth below:

KING COUNTY

CITY OF AUBURN



Dow Constantine
King County Executive



Peter B. Lewis
Mayor

Date 2/19/2011

Date January 18, 2011

Acting under the authority of
Ordinance 16442

Acting under the authority of
Resolution No. 4668

Dated: _____

Dated: January 18, 2011

Approved as to form:

Approved as to form:



DAN SATTERBERG
King County Prosecuting Attorney



Daniel B. Heid
City Attorney

ATTACHMENT B

**2009 CONSERVATION FUTURES LEVY
CITY OF AUBURN ALLOCATION**

<u>Jurisdiction</u>	<u>Project</u>	<u>Allocation</u>
Auburn	Smith/Fenster Levee Green River Setback	\$ 130,000
TOTAL		\$ 130,000

Project Description:

315781 AUB-Smith/Fenster Levee Green River Setback

\$ 130,000

This project is a .64-acre open space acquisition at 4th Street SE in Auburn that will play an important role in Auburn's effort to widen the channel of the Green River to improve riparian functions in the Auburn Narrows area, near the eastern border of the city.

City of Auburn - Smith/Fenster Levee Green River Setback

\$ 130,000