

CONFORMED COPY

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Water And Land Resources Division
Open Space Acquisitions Unit
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KING COUNTY, WA

Amendment to Conservation Futures
Interlocal Cooperation Agreement
Between King County and the City of Federal Way for
Open Space Acquisition Projects

August 7, 2007

Department: DNRP/WLRD Open Space Acquisitions Unit

**Parties City of Federal Way and
King County**

Project: Conservation Futures

Amendments E and F

**AMENDMENT TO THE CONSERVATION FUTURES
INTERLOCAL COOPERATION AGREEMENT
BETWEEN KING COUNTY AND THE CITY OF FEDERAL WAY
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 FEDERAL WAY 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 5th day of June, 1990, as previously amended.

The parties agree to the following amendments:

Amendment 1: Article 1. Recitals

Two paragraphs are hereby added to the Recitals Section to provide for a Conservation Futures Levy Fund allocation for the Federal Way Hylebos Creek (Critical Habitat Preservation) acquisition project, and for the Federal Way Hylebos Creek (Spring Valley) acquisition project, which reads:

- On November 24, 2003, the King County Council passed Ordinance 14797, which appropriated a total of Three Hundred and Twenty Thousand Dollars (\$320,000) in Conservation Futures Levy proceeds to the Hylebos Creek (Critical Habitat Preservation) Project and on April 9, 2007, the King County Council passed Ordinance 15711, authorizing the King County Executive to enter into an interlocal agreement with the City of Federal Way for the

disbursement of Conservation Futures Funds to the City of Federal Way Hylebos Creek project authorized in Ordinance 14797.

- On October 3, 2005, the King County Council passed Ordinance 15295, which appropriated a total of Four Hundred Thousand Dollars (\$400,000) in Conservation Futures Levy proceeds to the Hylebos Creek (Spring Valley) Project and on April 9, 2007, the King County Council passed Ordinance 15711, authorizing the King County Executive to enter into an interlocal agreement with the City of Federal Way for the disbursement of Conservation Futures Funds to the City of Federal Way Hylebos Creek project authorized in Ordinance 15295.

Amendment 2: Article V. Conditions of Agreement

Section 5.1 is amended to include references to Attachment “E”, which lists a 2003 Conservation Futures Levy Allocation for the Hylebos Creek (Critical Habitat Preservation) Acquisition Project, and Attachment “F”, which lists a 2005 Conservation Futures Levy Allocation for the Hylebos Creek (Spring Valley) Acquisition Project.

Amendment 3: Article VII. Responsibilities of County

The first two sentences of this article are amended to include references to Attachment “E”, which lists a 2003 Conservation Futures Levy Allocation for the Hylebos Creek (Critical Habitat Preservation) Acquisition Project and Attachment “F”, which lists a 2005 Conservation Futures Levy Allocation for the Hylebos Creek (Spring Valley) Acquisition Project as follows:

Subject to the terms of this agreement, the County will provide Conservation Futures Levy Funds in the amounts shown in Attachments “A” through “F” to be used for the projects listed in Attachments “A” through “F”. 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 “F”. The County assumes no obligation for the future support of the projects described herein except as expressly set forth in this agreement.

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 FEDERAL WAY



Ron Sims
King County Executive
Manager



Cary M. Roe, P.E.
Assistant City Manager/Emergency

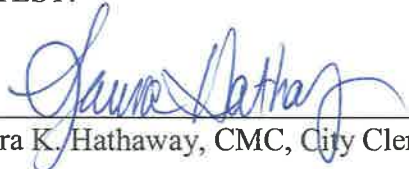
8.3.07

Date

7/3/07

Date


Acting under the authority of Ordinance 15711
Dated: April 9, 2007

ATTEST:


Laura K. Hathaway, CMC, City Clerk

APPROVED AS TO FORM
KING COUNTY

APPROVED AS TO FORM
CITY OF FEDERAL WAY



for King County Prosecuting Attorney
DAN SUTHERBERG, Interim



Patricia A. Richardson
City Attorney

ATTACHMENT "E"

2003 CONSERVATION FUTURES LEVY ALLOCATION
CITY OF FEDERAL WAY

<u>Jurisdiction</u>	<u>Project</u>	<u>Allocation</u>
Federal Way	Hylebos Creek (Critical Habitat Preservation)	\$ 320,000
TOTAL		\$ 320,000

Project Description:

Hylebos Creek (Critical Habitat Preservation): This project consists of approximately 63 acres along Hylebos Creek on several parcels north of South 376th Street in Federal Way. The properties contain riparian habitat important for the protection of salmonid species in Hylebos Creek.

City of Federal Way – Hylebos Creek (Critical Habitat Preservation) \$ 320,000

ATTACHMENT "F"

2005 CONSERVATION FUTURES LEVY ALLOCATION
CITY OF FEDERAL WAY

<u>Jurisdiction</u>	<u>Project</u>	<u>Allocation</u>
Federal Way	Hylebos Creek (Spring Valley)	\$ 400,000
TOTAL		\$ 400,000

Project Description:

Hylebos Creek (Spring Valley): This project consists of approximately 63 acres along Hylebos Creek on several parcels north of South 376th Street in Federal Way. The properties contain riparian habitat important for the protection of salmonid species in Hylebos Creek.

City of Federal Way – Hylebos Creek (Spring Valley) \$ 400,000