

CONFORMED COPY

**King County**  
**Department of Natural Resources and Parks**  
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

**20110428000811**

KING COUNTY DE AMND  
PAGE-001 OF 005  
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 Federal Way and  
King County**

Project: **Conservation Futures**

**Amendment G**

**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 5<sup>th</sup> day of June, 1990, as previously amended.

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 Hylebos Creek 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 Two Thousand Dollars (\$132,000) in Conservation Futures Levy proceeds to the City of Federal Way for the Enticknap Wetland 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.
- On September 21, 2009, the King County Council passed Ordinance 16661, which authorized a change in the scope of the City of Federal Way Hylebos Creek acquisition Project to include property in the Enticknap Wetlands Conservation Futures acquisition Project, and an additional parcel under the same ownership as the Enticknap Wetlands project scope. On May 24, 2010 the King County Council passed Ordinance 16842, 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 16661.

**Amendment 2: Article V. Conditions of Agreement**

Section 5.1 is amended to include Attachment G, which lists a 2008 Conservation Futures Levy Allocation for the Enticknap Wetlands acquisition Project, and a 2009 Project scope modification for the Hylebos Creek acquisition Project.

**Amendment 3: Article VII. Responsibilities of County**

The first two sentences of this article are amended to include Attachment G, which lists a 2008 Conservation Futures Levy proceeds allocation for the Enticknap Wetlands acquisition Project, and a 2009 Project scope modification for the Hylebos Creek 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 G to be used for the Projects listed in Attachments A through G. 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 G. 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 G**

The attachments to the interlocal agreement are hereby amended by adding Attachment G, 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



Dow Constantine  
King County Executive

Date 1.31.11

Acting under the authority of  
Ordinance 16442 and 16842:  
Dated:

Approved as to form:



*for* DAN SATTERBERG  
King County Prosecuting Attorney

CITY OF FEDERAL WAY



Mayor

Date 1/24/11

Acting under the authority of:  
*Council Motion*  
Dated: 12-7-2010

Approved as to form:



PATRICIA RICHARDSON  
City Attorney

## ATTACHMENT G

### 2008 and 2009 CONSERVATION FUTURES LEVY CITY OF FEDERAL WAY ALLOCATION

<u>Jurisdiction</u>	<u>Project</u>	<u>Allocation</u>
Federal Way	Enticknap Wetland (Ordinance 16312)	\$ 132,000
Federal Way	Hylebos Creek (Scope change) (Ordinance 16661)	\$ 0
TOTAL		\$ 132,000

#### Project Descriptions:

##### 315783 - Enticknap Wetland

**\$132,000**

Enticknap Wetland project consists of the acquisition of a 6.35 acre property located on Hylebos Creek, north of S 373<sup>rd</sup> Street and east of 12<sup>th</sup> Avenue S., in a headwater of the greater Hylebos Creek system. The property contains important salmonid habitat and offers an opportunity for habitat restoration and for removal obstructions to fish passage in the Hylebos system.

##### 315722 - Hylebos Creek

**\$ 0 (Scope change)**

This is a scope change for this multiple parcel project that has a goal of acquiring riparian habitat on Hylebos Creek. The expanded scope would include parcels that are also within the nearby Enticknap Wetlands CFT project, which was funded last year by King County and is also located on Hylebos Creek. The added property would be a portion of a parcel under the same ownership in the Enticknap wetlands project scope. The first acquisition priority of this project would thus be the Enticknap wetlands properties, and the second priority would be the remaining properties in the Hylebos project in the original project scope.

**City of FEDERAL WAY**

**\$ 132,000**