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KING COUNTY, WA

Upon Recording Please Return To:

King County Water and Land Resources Division
Attention: Lori Bryant
201 South Jackson Street, Suite 600
Seattle, WA 98104

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

February 6, 2013

Department: **DNRP/WLRD Open Space Acquisitions Unit**

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

Project: **Conservation Futures**

Amendment H

Reference No. of
Related Document: **20110428000811**

**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

A paragraph is hereby added to the Recitals Section to provide for a Conservation Futures Levy Fund allocation for the Federal Way CFL (Hylebos Creek) open space acquisition project, and hereafter reads:

- On September 27, 2010, the King County Council passed Ordinance 16932, which appropriated a total of Two Hundred and Fifty Eight Thousand Dollars (\$258,000) in Conservation Futures Levy proceeds to the City of Federal for the Federal Way CFL (Hylebos Creek) acquisition Project. On March 7, 2011, the King County Council passed Ordinance 17043, authorizing the King County Executive to enter into an interlocal agreement with the City of Federal Way for the disbursement of Conservation Futures Funds in Ordinance 16932.
- On November 9, 2011, the King County Council passed Ordinance 17232, which appropriated a total of Three Hundred Thousand Dollars (\$300,000) in Conservation Futures Levy proceeds to the City of Federal for the Federal Way CFL (Hylebos Creek) acquisition Project. On June 18, 2012, the King County Council passed Ordinance 17345, 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 17232.

Amendment 2: Article V. Conditions of Agreement

Section 5.1 is amended to include Attachment H, which lists 2010 and 2012 Conservation Futures Levy Allocations for the Federal Way CFL (Hylebos Creek) acquisition Project.

Amendment 3: Article VII. Responsibilities of County

The first two sentences of this article are amended to include Attachment H, which lists 2010 and 2012 Conservation Futures Levy proceeds allocations for the Federal Way CFL (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 H to be used for the Projects listed in Attachments A through H. 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 H. 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 H

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

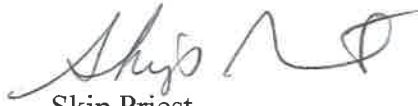
1/25/2013

Acting under the authority of
Ordinances 17043 and 17345

Approved as to form:


DAN SATTERBERG
King County Prosecuting Attorney

CITY OF FEDERAL WAY


Skip Priest
Mayor

Date

January 8, 2013

Acting under the authority of
Ordinance:
Dated:

Approved as to form:


Peter B. Burtis
City Attorney

ATTACHMENT H

**2012 CONSERVATION FUTURES LEVY
CITY OF FEDERAL WAY ALLOCATION**

<u>Jurisdiction</u>	<u>Project</u>	<u>Allocation</u>
Federal Way	Federal Way CFL (Hylebos Creek) (Ordinance 16932)	\$ 258,000
Federal Way	Federal Way CFL (Hylebos Creek) (Ordinance 17232)	\$ 300,000
TOTAL		\$ 558,000

Project Descriptions:

Ordinance 16932:

315722 – Federal Way CFL (Hylebos Creek) **\$ 258,000**

\$258,000 in CFT funds is proposed to be allocated to this project, which has a goal of acquiring riparian habitat on Hylebos Creek, from the abandoned Federal Way Camp Kilworth CFT project. Also added to the scope of this project is a 6.5 acre parcel adjacent to Enticknap Wetland on Hylebos Creek, which is part of this project.

Ordinance 17232:

315722 – Federal Way CFL (Hylebos Creek) **\$ 300,000**

2012: \$300,000 is added to this multiple-parcel project, with a first priority of up to 14 acres of fee simple or conservation easement habitat lands in the Hylebos Creek project scope, and in addition to add one fee acquisition property and three conservation easement properties to the project scope. The project is located on Hylebos creek in Federal Way between South 373rd Street and South 356th Street near the Pacific Highway.

City of Federal Way – Hylebos Creek **\$ 558,000**