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Department Of Natural Resources And Parks
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 Tukwila for
Open Space Acquisition Projects

March 27, 2009

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

Parties **City of Tukwila and
King County**

Project: **Conservation Futures**

Amendment F

**AMENDMENT TO THE CONSERVATION FUTURES
INTERLOCAL COOPERATION AGREEMENT
BETWEEN KING COUNTY AND THE CITY OF TUKWILA
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. 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 TUKWILA 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 25th day of August, 1992.

The parties agree to the following amendments:

Amendment 1: Article 1. Recitals

Two paragraphs are hereby added to the Recitals Section to provide for two Conservation Futures Levy Fund allocations for the Tukwila Duwamish Gardens acquisition project, and hereafter reads:

- On November 22, 2006, the King County Council passed Ordinance 15652, which appropriated a total of Three Hundred and Fifty Thousand Dollars (\$350,000) in Conservation Futures Levy proceeds to the City of Tukwila for the Duwamish Gardens acquisition Project. On April 9, 2007 the King County Council passed Ordinance 15711, 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 15652.
- On November 19, 2007, the King County Council passed Ordinance 15975, which appropriated a total of Three Hundred and Fifty Thousand Dollars (\$350,000) in Conservation Futures Levy proceeds to the City of Tukwila for the Duwamish Gardens acquisition Project. On April 7, 2008 the King County Council passed Ordinance 16052, 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 15975.

Amendment F

Annual CFT Interlocal Tukwila-King County
2007 and 2008 CFT proceeds

Amendment 2: Article V. Conditions of Agreement

Section 5.1 is amended to include reference to Attachment F, which lists 2007 and 2008 Conservation Futures Levy Allocations for the Duwamish Gardens project.

Amendment 3: Article VII. Responsibilities of County

The first two sentences of this article are amended to include references to Attachment F, which lists 2007 and 2008 Conservation Futures Levy Allocations for the Duwamish Gardens 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.

AMENDMENT 4: Attachment F

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

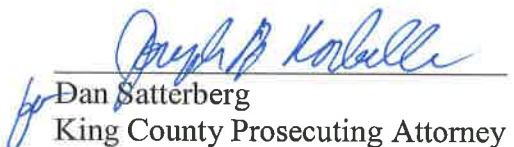
CITY OF TUKWILA



Ron Sims
King County Executive

Date: 3/30/09
Acting under the authority of
Ordinances 15711 and 16052

Approved as to form:



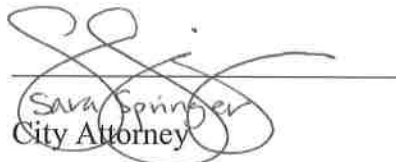
for Dan Satterberg
King County Prosecuting Attorney



Jim Haggerton
Mayor, City of Tukwila

Date March 10, 2009
Acting under the authority of
~~Ordinance:~~ Council motion
March 2, 2009

Approved as to form:



SARA Springer
City Attorney

ATTACHMENT F

**2007 and 2008 CONSERVATION FUTURES LEVY
CITY OF TUKWILA ALLOCATIONS**

Jurisdiction	Project	Allocation
Tukwila (2007)	Duwamish Gardens (Ordinance 15652)	\$ 350,000
Tukwila (2008)	Duwamish Gardens (Ordinance 15975)	\$ 350,000
TOTAL		\$700,000

Project Description:

City of TUKWILA– Duwamish Gardens

\$700,000

The Duwamish Gardens project is a 2.16-acre acquisition project located on the Duwamish River at East Marginal Way South in Tukwila. The goal of the project is to acquire the site and restore it in the future as intertidal salmon and aquatic species habitat, similar to the habitat restoration project done about a half mile downstream at the North Wind Weir site. This portion of the Duwamish is listed as the highest priority area for restoration in the WRIA 9 Habitat Plan.