

Attachment A

AMENDMENT ONE TO THE
INTERLOCAL AGREEMENT FOR ACQUISITION, CONVEYANCE OF EASEMENTS, DESIGN,
PERMITTING, CONSTRUCTION, OPERATION, AND MAINTENANCE

Lower Russell Levee Setback Project
River Mile 17.85 to 19.25, Right Bank

This Amendment ("Amendment One") to the above named Interlocal Agreement ("Agreement") revises the Agreement to provide a mechanism for transferal of funds from the City of Kent ("City") to the King County Flood Control District ("District") due to a change request by the City. After the City approved the design drawings and specifications for the New Van Doren's Park, per Section 10(b) and (c) of the Agreement, the City requested a specific change to the project involving the conversion of a narrow strip of natural turf to synthetic turf immediately adjacent to the Mount Rainier play structure. The City's requested change will result in \$81,183.58 of additional project costs. In support of its request, the City has agreed to reimburse the District 50% of the cost for the installation of the synthetic turf, in an amount of \$40,591.79. The Parties have agreed to enter this Amendment One to implement these changes.

Amended Sections of the Interlocal Agreement are included below. Language additions are underlined.

Section 10. Van Doren's Park

- a. As part of the Project, the District shall relocate, at the District's cost and expense (except as further provided below), the existing Van Doren's Park by designing and constructing a replacement park as shown on **Exhibit A** ("New Van Doren's Park").
- b. The New Van Doren's Park shall be designed and constructed, at the District's cost and expense, in accordance with the design drawings and specifications approved by the City. Notwithstanding the prior sentence, the City submitted a project change request in June 2022 to include installation of synthetic turf immediately adjacent to the Mount Rainier play structure. In the request, the City stated it would assume 50% of the costs associated with the requested project changes. The City and District agreed to share costs associated with installation of synthetic turf.
- c. With the full involvement and cooperation with the City, the District shall plan and design the New Van Doren's Park, to the extent agreed upon by the Parties. The City must approve the final design, specifications and drawings of the components of the New Van Doren's Park, and shall do so within twenty-one (21) days of receipt of such final design, specifications and drawings from the District.
- d. The District shall give written notice to the City at least sixty (60) days prior to the District's intended final acceptance of the New Van Doren's Park. If, within this 60 day period, the City identifies any construction that fails to conform to the plans and specifications, or punch list items requiring correction or completion, the District shall require the contractor to correct the nonconformity or complete the punch list items prior to final acceptance of the New Van Doren's Park. This is not precedent setting.
- e. The District shall pay all costs associated with relocating and reconstructing Van Doren's Park, except as further provided herein. As referenced above in Section 10 (b), the City and District agree to share costs associated with installation of the artificial turf, with the City paying 50% of the costs and the District paying 50% of the costs. The District shall invoice the City and

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the City shall submit reimbursement in the amount of \$40,591.79 to the District no later than 45 days from the Date of execution of Amendment One to the Agreement.

- f. Following final acceptance of the New Van Doren's Park, the City shall operate, maintain and repair the Park in accordance with City rules, regulations and policies, and available funding.
- g. The City must approve by email any change orders that modify the design, function or operation of Van Doren's Park, including any change to site grading or materials. If the City fails to respond to a District request to approve a change order for Van Doren's Park within two (2) business days, or such longer time as the District and City may agree, the City will be deemed to have approved the change order.

All other terms of the Agreement shall remain in full force and effect.

The Parties have executed this Amendment by having their representatives sign below.

IN WITNESS WHEREOF, the parties have executed this Agreement, which shall become effective on the last date signed below.

CITY OF KENT

DocuSigned by:

By: 93E99D67FD24442


Dana Ralph

Its: Mayor
8/2/2024

DATE: _____

KING COUNTY FLOOD CONTROL

ZONE DISTRICT

DocuSigned by:

By: B60CACB4B3EC49F

Reagan Dunn

Its: Board Chair
8/4/2024

DATE: _____

APPROVED AS TO FORM:
DocuSigned by:

By: 352E844E80CD45D...

City Attorney

APPROVED AS TO FORM:
DocuSigned by:

By: F1B020A8F170422...

District Attorney