

**FIRST AMENDMENT TO AGREEMENT FOR LEVEE CONSTRUCTION,
OPERATION AND MAINTENANCE**

Briscoe – Desimone Levee

River Mile 14.3 to 17.0, Right Bank

**BETWEEN THE CITY OF KENT AND
KING COUNTY FLOOD CONTROL ZONE DISTRICT**

THIS FIRST AMENDMENT is entered into on the date fully executed below by and between **THE CITY OF KENT** ("City") and **KING COUNTY FLOOD CONTROL ZONE DISTRICT** ("District"). This First Amendment amends that certain Agreement for Levee Construction Operation and Maintenance entered into between City and District on or about the June 6, 2013 (the "Agreement").

1. Damage occurred to the Reach 1 levee during the 2013-2014 flood season. Emergency repairs are needed to restore the levee to federal safety standards.

2. The US Army Corps of Engineers (USACE) has authority under PL84-99, Flood Control and Coastal Emergencies (FCCE) for emergency management activities and indicated a repair project at Briscoe-Desimone Levee Reach 1 Project in 2015.

3. Based on USACE's preliminary profile for this repair project, the sheet pile wall at Reach 1 Project needs to be moved landward an additional 10 feet along parcel 7888900170 from the location specified in Resolution FCD2013-02.2 Section 4.C.5. Moving the sheet pile wall will accommodate the USACE's repair.

NOW THEREFORE, City and District hereby agree and covenant as follows:

1. Section 4.a. of the Agreement shall be amended to read as follows:

4a. The City shall design, construct and install the improvements to the Levee Project and the four Reach Projects described and depicted on **Exhibit A**, attached hereto and incorporated herein by reference in accordance with this Agreement, the DOE Agreement, and District Resolution FCD2013-

Attachment B

02.2, as amended by District Resolution FCD2014-____ ("Resolution") (the two resolutions are attached as **Exhibit B**, which is incorporated herein by reference), as supplemented by the terms and conditions of Attachment A to **Exhibit B**, attached hereto and incorporated herein by reference. By executing this Agreement, the Parties acknowledge receipt and review of the DOE Agreement.

2. Section 5 of Attachment A to Exhibit B of the Agreement shall be amended to read as follows:

5. The City shall move the setback wall back from the landward toe of the existing levee in the northernmost setback segment near the West Valley Highway, consistent with the document attached to this Attachment A.

3. Exhibit B shall be replaced in its entirety with the documents attached to this First Amendment and incorporated by this reference as Exhibit 1.

4. The document referenced in Section 5 of Attachment A to Exhibit B of the Agreement is attached to this First Amendment and incorporated by this reference as Exhibit 2.

5. Except as amended by this First Amendment, all provisions of the Agreement shall remain in full force and effect except as specifically modified by this First Amendment.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment, which shall take effect on the last date signed below.

CITY:

CITY OF KENT

DISTRICT:

**KING COUNTY FLOOD CONTROL
ZONE DISTRICT**

By: _____

Print Name: _____

Its: _____

Date: _____

By: _____

Print Name: _____

Its: _____

Date: _____

STATE OF WASHINGTON)

) ss.

COUNTY OF KING)

I certify that I know or have satisfactory evidence that **Suzette Cooke** is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the **Mayor** of the **City of Kent** to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

-Notary Seal Must Appear Within This Box-

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

(Signature)

NOTARY PUBLIC, in and for the State
of Washington, residing at _____

My appointment expires _____

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that **Reagan Dunn** is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the **Chair** of the Board of Supervisors of the **King County Flood Control Zone District** to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

-Notary Seal Must Appear Within This Box-

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

(Signature)

NOTARY PUBLIC, in and for the State

of Washington, residing at _____

My appointment expires _____

1 ..Title

2 A RESOLUTION amending the Agreement between the King
3 County Flood Control Zone District and the City of Kent for the
4 construction, operation and maintenance of the Briscoe-Desimone
5 Levee, and amending Section 4(C)(5) of Resolution No. FCD2013-
6 02.2.

7 ..Body

8 WHEREAS, the King County Flood Control Zone District ("District") and the
9 city of Kent ("City") entered into the "Agreement for Levee Construction, Operation and
10 Maintenance, Briscoe-Desimone Levee, River Mile 14.3 to 17.0, Right Bank"
11 ("Agreement") in 2013, in order to provide for the construction, operation and
12 maintenance of the Briscoe-Desimone Levee; and

13 WHEREAS, in connection with construction of the Levee, the City will need to
14 move the setback wall portion of the Levee in Reach 1 near the West Valley Highway
15 landward an additional distance along parcel 7888900170; and

16 WHEREAS, the District desires to amend the Agreement and Resolution
17 FCD2013-02.2 to provide for the additional distance along such parcel; now, therefore

18 BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE KING COUNTY
19 FLOOD CONTROL ZONE DISTRICT:

20 SECTION 1. Section 4(C)(5) of Resolution FCD2013-02.2 is amended to read
21 as follows:

22 The City shall move the setback wall back from the toe of the existing
23 levee in the northernmost setback segment near the West Valley Highway,

24 consistent with the diagram that is approved by Section 2 of Resolution
25 No. FCD2014-____.

26 SECTION 2. The Board of Supervisors approves the diagram titled
27 "Briscoe & Desimone Levee Improvements Exhibit," which is Attachment A to
28 this resolution.

29 SECTION 3. The Board of Supervisors approves the "First Amendment to
30 Agreement for Levee Construction, Operation and Maintenance (Briscoe-Desimone
31 Levee), King County Flood Control Zone District and City of Kent," which is
32 Attachment B to this resolution, and authorizes the chair of the board of supervisors to
33 sign the Amendment.

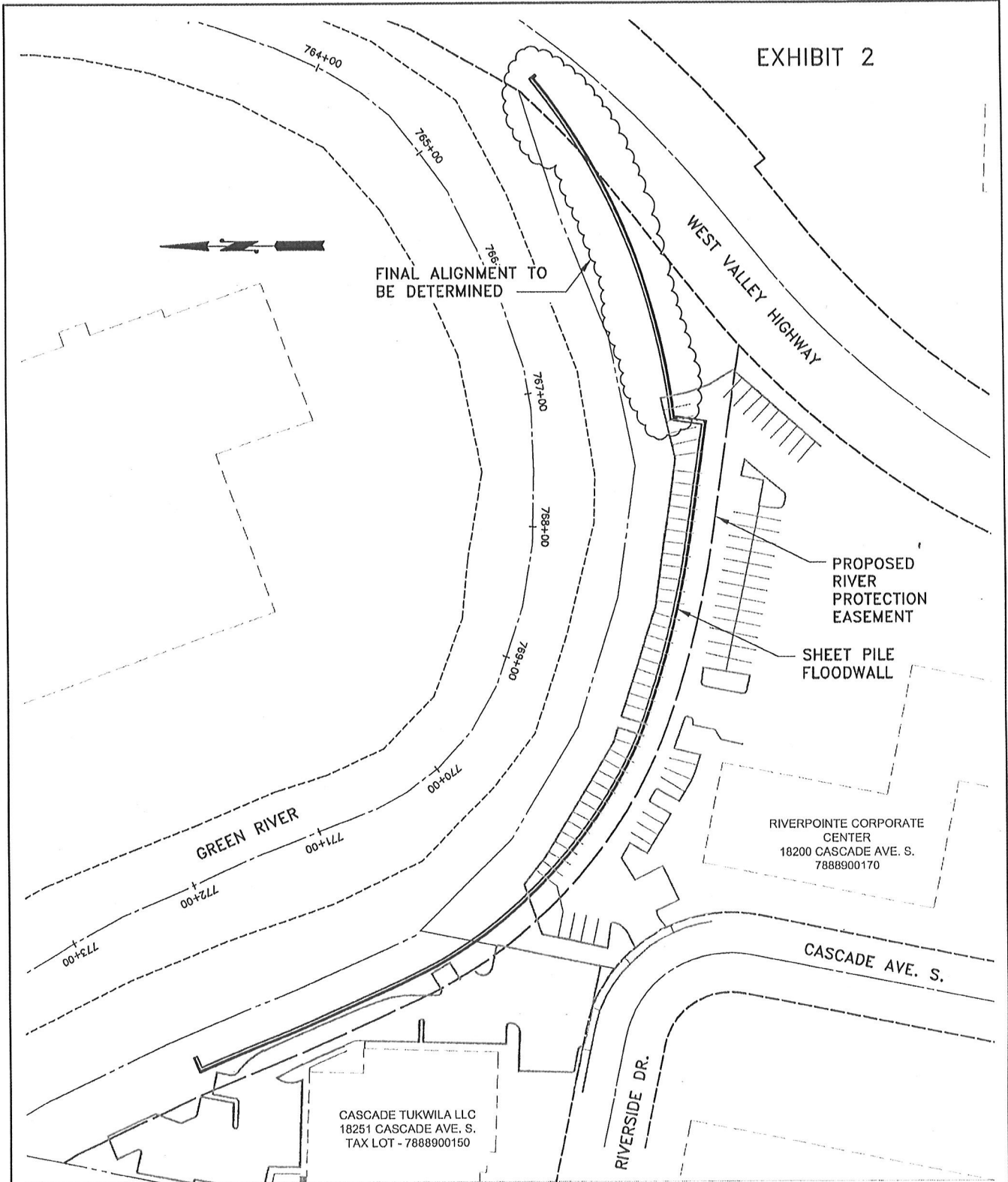
34

35

36

37

EXHIBIT 2



CITY OF KENT
ENGINEERING DEPARTMENT

BRISCOE & DESIMONE
LEVEE IMPROVEMENTS
EXHIBIT

SCALE 1"=60'
DATE 11-4-14

SHEET
1 OF 1