

## Legislation Text

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**File #:** FCD2014-19, **Version:** 2

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A RESOLUTION relating to the Boeing Levee height increase and United States Army Corps of Engineers Ecosystem Restoration Project on the Green river in the city of Kent, and authorizing the chair to enter into an agreement with the city of Kent.

WHEREAS, The King County Flood Control Zone District board of supervisors desires to improve the right bank of the Green river, from river mile 17.09 to 17.85 by constructing a levee improvement project to increase the height of the levee to achieve the Lower Green River System-wide Improvement Framework's provisional flood protection goal of 500-year, or 18,800 cfs, plus three feet of freeboard, and an ecosystem restoration project described in Exhibit A to Attachment A, which generally consists of revegetation and habitat restoration work along this portion of the Green River (collectively, the "Project"); and

WHEREAS, the Project is part of a plan to reduce flood risk to regionally significant economic assets in the city of Kent and in the Lower Green river valley, restore critical salmon habitat for listed Chinook and other salmon species and support recreational opportunities for the community along the river and its shoreline environment; and

WHEREAS, the Project is planned for construction from 2015 through 2016; and

WHEREAS, the Project specifically will improve embankment stability, improve salmon and wildlife habitat and preserve recreational opportunities; and

WHEREAS, the United States Army Corps of Engineers ("USACE") will design, construct and install the Project pursuant to an agreement between the city of Kent and USACE; and

WHEREAS, in Resolution FCD2013-14.3, as amended by Resolution FCD2014-08, the District committed to provide a portion of the funding for the Project; and

WHEREAS, the board of supervisors desires to enter into an agreement with the city of Kent regarding

the terms and conditions of design, construction, installation, operation, maintenance and repair of the Project;  
now, therefore

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

SECTION 1. The chair of the King County Flood Control Zone District is authorized to enter into the  
"Agreement for Levee Construction, Operation and Maintenance, Boeing Levee Height Increase and USACE  
Ecosystem Restoration Project, River Mile 17.09 to 17.85, Right Bank," dated 11-7-14, substantially in the  
form of Attachment A to this resolution.

SECTION 2. The Agreement at Attachment A to this resolution does not require a warranty for the materials,  
work and function of the Project. The Board of supervisors has not required a warranty because (1) the United States  
Army Corps of Engineers ("USACE") will design, construct and install the Project and (2) the USACE does not provide  
warranties for the projects that it constructs and installs. Further, the Board notes that (1) the District is providing the  
local match funds for the Project, (2) the District will operate and maintain the Project, and (3) the Project is comprised of  
two parts-a levee height increase improvement and an ecosystem restoration project. The Board intends for the warranty  
deletion to be applicable only to this Project and the Agreement at Attachment A.