

RESOLUTION NO. 946

**Recreation and Conservation Office
Washington Wildlife and Recreation Program (WWRP)
Application Resolution of the City of Lynden for the Jim Kaemingk Trail Extension**

WHEREAS, our City has approved a comprehensive parks and recreation or habitat conservation plan that includes the Jim Kaemingk Trail Extension project; and

WHEREAS, under provisions of the WWRP program, state grant assistance is requested to aid in financing the cost of acquisition and development; and

WHEREAS, our City considers it in the best public interest to complete the project described in the application(s).

NOW, THEREFORE, BE IS RESOLVED that:

Section 1: The City of Lynden's Director of Public Works Department and/or its Parks Department are authorized to make formal application to the Recreation and Conservation Funding Board for grant assistance.

Section 2: The City has reviewed the sample project agreement on the Recreation and Conservation Office's web site at: <http://www.rco.wa.gov/documents/manuals&forms/SampleProjAgreement.pdf> and authorizes City of Lynden's Director of Public Works or Parks Director to enter into such a project agreement substantially in the same form, if funding is awarded. We understand and acknowledge that the project agreement will contain the indemnification (applicable to any sponsor) and waiver of sovereign immunity (applicable to Tribes) and other terms and conditions that are contained in the sample project agreement. The sample project agreement may be revised periodically by the Recreation and Conservation Office. Our organization recognizes that such changes might occur prior to our authorized representative signing the actual project agreement, and we accept the responsibility and the presumption that our authorized representative shall have conferred with us as to any such changes before he/she executes the project agreement on behalf of our organization and so executes with our authorization.

Section 3: Any grant assistance received will be used for only direct eligible and allowable costs that are reasonable and necessary to implement the project(s) referenced above.

Section 4: Our City expects our matching share of project funding will be derived from in kind land, the City of Lynden's general funds and/or City of Lynden's Park Impact Fees, if any acquisition and that pursuant to WAC 286-13-040 we must certify the availability of match at least one month before funding approval. In addition, our organization understands it is responsible for supporting all non-cash commitments to this project should they not materialize.

Section 5: We acknowledge that if the Recreation and Conservation Funding Board approves grant assistance for the project(s), the Recreation and Conservation Office will pay us on only a reimbursement basis. We understand reimbursement basis means that we will only request payment from the Recreation and Conservation Office after we incur eligible and allowable costs and pay them. The Recreation and Conservation Office may also determine an amount of retainage and hold that amount until the project is complete.

Section 6: We acknowledge that an interest in any property acquired with grant assistance must be conveyed to the State of Washington for the right to use the acquired property for designated salmon habitat purposes, if applicable, and a restriction on conversion of the use of the acquired property is also required. We agree to convey the above described interest in the property in a signed "Deed of Right" for fee acquisitions, or an "Assignment of

Rights" for other than fee acquisitions (which documents will be based upon RCO's standard versions of those documents), to be recorded on the title of the property with the county auditor.

Section 7: We acknowledge that any property acquired in fee title must be immediately made available to the public at such time as the project is completed and available for safe use as intended, unless the Recreation and Conservation Office director or the Recreation and Conservation Funding Board agrees to other restrictions.

Section 8: We acknowledge that the City must convey a property interest for the right to use the acquired property for designated salmon habitat purposes, if applicable, to the State of Washington in any property owned by the City that is developed, renovated or restored with grant assistance after the project is complete unless otherwise provided and agreed to by our organization and the Recreation and Conservation Funding Board in the project agreement or an amendment thereto.

Section 9: This application authorization becomes part of a formal application to the Recreation and Conservation Funding Board for grant assistance.

Section 10: We provided appropriate opportunity for public comment on this application.

Section 11: We certify that this application authorization was properly and lawfully adopted following the requirements of our organization and applicable laws and policies and that the person signing as authorized representative is duly authorized to do so.

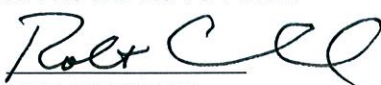
Section 12: This Resolution shall be in full force and effect immediately.

PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE, 7 IN FAVOR 0 AGAINST, AND SIGNED BY THE MAYOR THIS 20th DAY OF JUNE, 2016.


MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Washington State Attorney General's Office

Approved as to form  March 15, 2016
Assistance Attorney General Date