



**Project title:** Agreement for Maintenance and Repairs of Flood Control and Associated Drainage Facilities Located on County Property in Former Drainage District Number 6

### City Council Agenda Item Cover Sheet

**Council Bill #**

**Project:** DD6 Maintenance Agreement Amendment

**Partner/Supplier :** Snohomish County

**Location:** Former Drainage District Number 6

**Preceding action:** December 16, 2015

**Fund:** 401/Utilities

**Agenda dates requested:**

August 12, 2020

Briefing

Proposed action

Consent

Action

Ordinance

Public hearing

Yes  No

**Budget amendment:**

Yes  No

**PowerPoint presentation:**

Yes  No

**Attachments:**

Original Agreement

**Department(s) involved:**

Public Works

**Contact person:**

Grant Moen

**Phone number:**

425 257-8947

**Email:**

gmoen@everettwa.gov

**Initialed by:**

RLS

Department head

Administration

Council President

**Fiscal summary statement:**

This amendment extends the Agreement term and modifies the contact person. There is no change to the scope of work or the compensation amount.

**Project summary statement:**

This Amendment No. 1 extends the Agreement that defines the roles and responsibilities for the City of Everett and Snohomish County in maintaining the flood control and associated drainage facilities on Snohomish County Property within the former Drainage District Number 6. This area is located outside of Everett City Limits. However, a portion of Everett’s Water transmission lines runs through the former Drainage District Number 6 and is protected by these facilities.

**Recommendation (exact action requested of Council):**

Authorize the Mayor to sign Amendment No. 1 to the Modified Agreement for Maintenance and Repairs of Flood Control and Associated Drainage Facilities Located on Snohomish County Property in Former Drainage District Number 6 which extends the term of the Agreement through December 16, 2025.



**AMENDMENT NO. 1 TO THE MODIFIED AGREEMENT FOR MAINTENANCE AND REPAIRS OF FLOOD CONTROL AND ASSOCIATED DRAINAGE FACILITIES LOCATED ON COUNTY PROPERTY IN FORMER DRAINAGE DISTRICT NUMBER 6**

THIS AMENDMENT NO. 1 THE MODIFIED AGREEMENT FOR MAINTENANCE AND REPAIRS OF FLOOD CONTROL AND ASSOCIATED DRAINAGE FACILITIES LOCATED ON COUNTY PROPERTY IN FORMER DRAINAGE DISTRICT NUMBER 6 (this "Amendment") is made and entered into as of this \_\_\_\_ day of \_\_\_\_\_, 2020, by and between Snohomish County, a political subdivision of the State of Washington (the "County"), and the City of Everett, a Washington municipal corporation (the "City").

**RECITALS**

- A. The County and the City are parties to the "Modified Agreement for Maintenance and Repairs of Flood Control and Associated Drainage Facilities Located on County Property in Former Drainage District Number 6" executed on December 16, 2015 (the "Modified Agreement").
- B. Pursuant to Section 14 of the Modified Agreement, the Director of the County's Department of Public Works has authority to execute an amendment to the Modified Agreement to the extent and under the circumstances more fully described herein.
- C. The County and the City now desire to amend the Modified Agreement to extend the term for an additional five year period.

**AGREEMENT**

NOW, THEREFORE, in consideration of the respective agreements set forth below and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and the City agree as follows:

**Section 1. EXTENSION OF TERM**

The County and the City agree that the term specified in Section 4 of the Modified Agreement shall be extended for an additional five year period. The new Expiration Date of the Modified Agreement is December 16, 2025.

**Section 2. NOTICES**

Any notices to be given under this agreement shall be delivered in person or by mail to the parties at the following addresses:

**City of Everett**  
Grant Moen  
Maintenance Superintendent  
Public Works Department  
City of Everett  
3200 Cedar Street  
Everett, WA 98201

**Snohomish County**  
Kelly Snyder  
Director of Public Works  
Snohomish County  
3000 Rockefeller Ave, M/S  
Everett, WA 98201

**Section 3. RATIFICATION**

Except as modified by this Amendment, the Modified Agreement shall remain in force and effect in accordance with its terms and is hereby ratified and affirmed.

**Section 4. EXECUTION IN COUNTERPARTS**

This Amendment may be executed in counter parts, each of which shall be an original and all of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, the County and the City have executed this Amendment as of the day and year first written above.

THE CITY OF EVERETT

SNOHOMISH COUNTY

By: \_\_\_\_\_  
Title: Mayor

By:   
Title: Director of Public Works

Approved as to Form:

 5/20/20  
Deputy Prosecuting Attorney