

RESOLUTION R-5448

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS WITH THE WASHINGTON STATE RECREATION AND CONSERVATION OFFICE TO ASSIST IN FUNDING THE CROSS KIRKLAND CORRIDOR TRAIL LIGHTING PROJECT.

1 WHEREAS, the City purchased the Cross Kirkland Corridor  
2 ("CKC") in 2013 and subsequently developed the CKC Master Plan  
3 to guide future development of the CKC, including the process of  
4 improvements and upgrades to the trail; and

5  
6 WHEREAS, with the upcoming project to construct a bridge  
7 crossing near Totem Lake, the City recognizes the opportunity to  
8 improve this section of the CKC with additional lighting, extending  
9 the lighting south to 120<sup>th</sup> Ave NE ("Project"); and

10  
11 WHEREAS, the Project will provide lighting and safety  
12 improvements for the CKC underpass at I-405 which will improve  
13 the user experience and increase public safety; and

14  
15 WHEREAS, funding is available for the Project from the  
16 RCO Recreation – Trails Account of the State of Washington,  
17 administered by the Washington State Recreation and  
18 Conservation Office ("RCO"); and

19  
20 WHEREAS, this resolution/authorization authorizes the  
21 person(s) identified below (in Section 2) to act as the authorized  
22 representative/agent on behalf of our organization and to legally  
23 bind our organization with respect to the above Project(s) for  
24 which we seek grant funding assistance managed through the  
25 Recreation and Conservation Office (Office); and

26  
27 WHEREAS, grant assistance is requested by our  
28 organization to aid in financing the cost of the Project referenced  
29 above.

30  
31 NOW, THEREFORE, be it resolved by the City Council of the  
32 City of Kirkland as follows:

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34 Section 1. Our organization has applied for or intends to  
35 apply for funding assistance managed by the Office for the above  
36 "Project(s)."

37  
38 Section 2. Our organization authorizes the following  
39 persons or persons holding specified titles/positions (and  
40 subsequent holders of those titles/positions) to execute the

41 following documents binding our organization on the above  
 42 projects:

Grant Document	Name of Signatory or Title of Person Authorized to Sign
Grant application (submission thereof)	Lorri McKay – Intergovernmental Relations & Economic Development Manager
Project contact (day-to-day administering of the grant and communicating with the RCO)	Aaron McDonald – Senior Project Engineer, Public Works Department; Rod Steitzer – Capital Projects Manager, Public Works Department
RCO Grant Agreement (Agreement)	Tracey Dunlap – Deputy City Manager
Agreement amendments	Tracey Dunlap – Deputy City Manager
Authorizing property and real estate documents (Notice of Grant, Deed of Right or Assignment of Rights if applicable). These are items that are typical recorded on the property with the county.	N/A

43 The above persons are considered an “authorized  
 44 representative(s)/agent(s)” for purposes of the documents  
 45 indicated. Our organization shall comply with a request from the  
 46 RCO to provide documentation of persons who may be authorized  
 47 to execute documents related to the grant.  
 48

49 Section 3. Our organization has reviewed the sample RCO  
 50 Grant Agreement on the Recreation and Conservation Office’s  
 51 WEB SITE at: [https://rco.wa.gov/wp-](https://rco.wa.gov/wp-content/uploads/2019/06/SampleProjAgreement.pdf)  
 52 [content/uploads/2019/06/SampleProjAgreement.pdf](https://rco.wa.gov/wp-content/uploads/2019/06/SampleProjAgreement.pdf).  
 53 We understand and acknowledge that if offered an agreement to  
 54 sign in the future, it will contain an indemnification and legal  
 55 venue stipulation and other terms and conditions substantially in  
 56 the form contained in the sample Agreement and that such terms  
 57 and conditions of any signed Agreement shall be legally binding  
 58 on the sponsor if our representative/agent enters into an  
 59 Agreement on our behalf. The Office reserves the right to revise  
 60 the Agreement prior to execution.  
 61

62 Section 4. Our organization acknowledges and warrants,  
 63 after conferring with its legal counsel, that its authorized  
 64 representative(s)/agent(s) have full legal authority to act and sign  
 65 on behalf of the organization for their assigned role/document.  
 66

67 Section 5. Grant assistance is contingent on a signed  
 68 Agreement. Entering into any Agreement with the Office is purely  
 69 voluntary on our part.

70           Section 6. Our organization understands that grant policies  
71 and requirements vary depending on the grant program applied  
72 to, the grant program and source of funding in the Agreement,  
73 the characteristics of the project, and the characteristics of our  
74 organization.

75  
76           Section 7. Our organization further understands that prior  
77 to our authorized representative(s)/agent(s) executing any of the  
78 documents listed above, the RCO may make revisions to its  
79 sample Agreement and that such revisions could include the  
80 indemnification and the legal venue stipulation. Our organization  
81 accepts the legal obligation that we shall, prior to execution of the  
82 Agreement(s), confer with our authorized  
83 representative(s)/agent(s) as to any revisions to the project  
84 Agreement from that of the sample Agreement. We also  
85 acknowledge and accept that if our authorized  
86 representative(s)/agent(s) executes the Agreement(s) with any  
87 such revisions, all terms and conditions of the executed  
88 Agreement shall be conclusively deemed to be executed with our  
89 authorization.

90  
91           Section 8. Any grant assistance received will be used for  
92 only direct eligible and allowable costs that are reasonable and  
93 necessary to implement the project(s) referenced above.

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95           Section 9. Our organization acknowledges that if it receives  
96 grant funds managed by the Office, the Office will pay us on only  
97 a reimbursement basis. We understand reimbursement basis  
98 means that we will only request payment from the Office after we  
99 incur grant eligible and allowable costs and pay them. The Office  
100 may also determine an amount of retainage and hold that amount  
101 until all project deliverables, grant reports, or other responsibilities  
102 are complete.

103  
104           Section 10. This resolution/authorization is deemed to be  
105 part of the formal grant application to the Office.

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107           Section 11. Our organization warrants and certifies that  
108 this resolution/authorization was properly and lawfully adopted  
109 following the requirements of our organization and applicable laws  
110 and policies and that our organization has full legal authority to  
111 commit our organization to the warranties, certifications, promises  
112 and obligations set forth herein.

113 Passed by majority vote of the Kirkland City Council in open  
114 meeting this 06 day of October, 2020.

115  
116 Signed in authentication thereof this 06 day of October,  
117 2020.

  
\_\_\_\_\_  
Penny Sweet, Mayor

Attest:

  
\_\_\_\_\_  
Kathi Anderson, City Clerk