

RESOLUTION NO. M-2514

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON,
APPROVING THE APPLICATION FOR A GRANT BETWEEN THE CITY OF OLYMPIA AND
WASHINGTON STATE RECREATION AND CONSERVATION OFFICE (RCO) FOR A LAND
AND WATER CONSERVATION FUND STATE PROGRAM GRANT FOR THE YELM
HIGHWAY COMMUNITY PARK PHASE I DEVELOPMENT PROJECT**

WHEREAS, on August 3, 2018, the City of Olympia (City) purchased 83 acres on Yelm Highway for use as a public park for recreation and open space purposes; and

WHEREAS, the 2022 Parks, Arts and Recreation Plan highlights development of this park as a long-standing community priority; and

WHEREAS, the Land and Water Conservation Fund authorizes funding from the Secretary of the Interior to provide financial assistance to states for the acquisition and development of public outdoor recreation areas; and

WHEREAS, the Land and Water Conservation Fund grant would require a grant match of up to \$2,000,000; and

WHEREAS, the City has committed to Phase 1 development for the Yelm Highway property which will exceed the \$2,000,000 that serves as the required match for this grant; and

WHEREAS, the Recreation and Conservation Office requires an authorizing resolution as part of the grant application; and

WHEREAS, the City Council wishes to authorize the Mayor to execute the “Applicant Resolution/Authorization” (attached to this Resolution as Exhibit A) as the “authorized member” of the City Council; and

WHEREAS, the City Council wishes to authorize the City Manager to execute the Grant Agreement and any other any other documents necessary to obligate funds for Project 24-1405D, Yelm Highway Community Park Phase I;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE as follows:

1. The Olympia City Council hereby approves the application for a grant between the City of Olympia and the Washington State Recreation and Conservation Office for the Yelm Highway Community Park Phase I Development Project and the terms and conditions contained therein.
2. The Olympia City Council hereby assents and agrees to the terms of the Applicant Resolution/Authorization; the Applicant Resolution/Authorization is attached to and its terms are incorporated into this Resolution.
3. The Mayor is directed and authorized to execute on behalf of the City of Olympia the Applicant Resolution/Authorization as the authorized member of the City Council.

4. The City Manager is directed and authorized to execute on behalf of the City of Olympia the Grant Agreement and any other documents necessary to obligate funds for Project 24-1405D, Yelm Highway Community Park Phase I, and to make any amendments or minor modifications or to correct any scriveners' errors as may be required and are consistent with the intent of the Grant Application.

PASSED BY THE OLYMPIA CITY COUNCIL this 16th day of April 2024.



MAYOR

ATTEST:

Sean Krier

CITY CLERK

APPROVED AS TO FORM:

Michael M. Young

DEPUTY CITY ATTORNEY



Applicant Resolution/Authorization

Organization Name (sponsor) City of Olympia

Resolution No. or Document Name City of Olympia Resolution #M-

Location of Resolution or Document: N/A

Project(s) Number(s), and Name(s) 24-1405D – Yelm Highway Community Park Development Phase I

This resolution/authorization authorizes the person(s) identified below (in Section 2) to act as the authorized representative/agent on behalf of our organization and to legally bind our organization with respect to the above Project(s) for which we seek grant funding assistance managed through the Recreation and Conservation Office (Office).

WHEREAS, grant assistance is requested by our organization to aid in financing the cost of the Project(s) referenced above;

NOW, THEREFORE, BE IT RESOLVED that:

1. Our organization has applied for or intends to apply for funding assistance managed by the Office for the above "Project(s)."
2. Our organization authorizes the following persons or persons holding specified titles/positions (and subsequent holders of those titles/positions) to execute the following documents binding our organization on the above projects:

Grant Document	Name of Signatory or Title of Person Authorized to Sign
Grant application (submission thereof)	Paul Simmons, Director
Project contact (day-to-day administering of the grant and communicating with the RCO)	Tammy LeDoux, Finance and Policy Coordinator
RCO Grant Agreement (Agreement)	Steven J Burney, City Manager
Agreement amendments	Steven J Burney, 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.	Steven J Burney, City Manager

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

3. Our organization has reviewed the sample RCO Grant Agreement on the Recreation and Conservation Office’s WEB SITE at: <https://rco.wa.gov/wp-content/uploads/2019/06/SampleProjAgreement.pdf>. We understand and acknowledge that if offered an agreement to sign in the future, it will contain an indemnification and legal venue stipulation and other terms and conditions substantially in the form contained in the sample Agreement and that such terms and conditions of any signed Agreement shall be legally binding on the sponsor if our representative/agent enters into an Agreement on our behalf. The Office reserves the right to revise the Agreement prior to execution.
4. Our organization acknowledges and warrants, after conferring with its legal counsel, that its authorized representative(s)/agent(s) have full legal authority to act and sign on behalf of the organization for their assigned role/document.
5. Grant assistance is contingent on a signed Agreement. Entering into any Agreement with the Office is purely voluntary on our part.
6. Our organization understands that grant policies and requirements vary depending on the grant program applied to, the grant program and source of funding in the Agreement, the characteristics of the project, and the characteristics of our organization.
7. Our organization further understands that prior to our authorized representative(s)/agent(s) executing any of the documents listed above, the RCO may make revisions to its sample Agreement and that such revisions could include the indemnification and the legal venue stipulation. Our organization accepts the legal obligation that we shall, prior to execution of the Agreement(s), confer with our authorized representative(s)/agent(s) as to any revisions to the project Agreement from that of the sample Agreement. We also acknowledge and accept that if our authorized representative(s)/agent(s) executes the Agreement(s) with any such revisions, all terms and conditions of the executed Agreement shall be conclusively deemed to be executed with our authorization.
8. 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.
9. [for Recreation and Conservation Funding Board Grant Programs Only] If match is required for the grant, we understand our organization 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 matching share commitments to this project should they not materialize.
10. Our organization acknowledges that if it receives grant funds managed by the Office, the Office will pay us on only a reimbursement basis. We understand reimbursement basis means that we will only request payment from the Office after we incur grant eligible and allowable costs and pay them. The Office may also determine an amount of retainage and hold that amount until all project deliverables, grant reports, or other responsibilities are complete.
11. [for Acquisition Projects Only] Our organization acknowledges that any property acquired with grant assistance must be dedicated for the purposes of the grant in perpetuity unless otherwise agreed to in writing by our organization and the Office. We agree to dedicate 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 the Office's standard versions of those documents), to be recorded on the title of the property with the county auditor. Our organization acknowledges that any property acquired in fee title must be immediately made available to the public unless otherwise provided for in policy, the Agreement, or authorized in writing by the Office Director.

12. [for Development, Renovation, Enhancement, and Restoration Projects Only–If our organization owns the project property] Our organization acknowledges that any property owned by our organization that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant in perpetuity unless otherwise allowed by grant program policy, or Office in writing and per the Agreement or an amendment thereto.
13. [for Development, Renovation, Enhancement, and Restoration Projects Only–If your organization DOES NOT own the property] Our organization acknowledges that any property not owned by our organization that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant as required by grant program policies unless otherwise provided for per the Agreement or an amendment thereto.
14. [Only for Projects located in Water Resources Inventory Areas 1-19 that are applying for funds from the Critical Habitat, Natural Areas, State Lands Restoration and Enhancement, Riparian Protection, or Urban Wildlife Habitat grant categories; Aquatic Lands Enhancement Account; or the Puget Sound Acquisition and Restoration program, or a Salmon Recovery Funding Board approved grant] Our organization certifies the following: the Project does not conflict with the Puget Sound Action Agenda developed by the Puget Sound Partnership under RCW 90.71.310.
15. This resolution/authorization is deemed to be part of the formal grant application to the Office.
16. Our organization warrants and certifies that this resolution/authorization was properly and lawfully adopted following the requirements of our organization and applicable laws and policies and that our organization has full legal authority to commit our organization to the warranties, certifications, promises and obligations set forth herein.

This resolution/authorization is signed and approved on behalf of the resolving body of our organization by the following authorized member(s):

Signed _____ Date: _____

Dontae Payne, Mayor

Approved as to form:

Michael M. Young
Deputy City Attorney

Washington State Attorney General's Office

Approved as to form *Brian Tallen* 2/13/2020 _____
Assistant Attorney General Date