

**RESOLUTION 09-131
CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON**

**A RESOLUTION OF THE CITY OF LIBERTY LAKE, WASHINGTON ESTABLISHING
A PROTOCOL AGREEMENT THAT WILL GUIDE THE DEVELOPMENT OF PUBLIC
INFRASTRUCTURE WITHIN SPOKANE COUNTY INCREMENT AREA NO. 2005-01**

WHEREAS, the City of Liberty Lake ("City"), Spokane County, and Greenstone Corporation ("Greenstone") (collectively "Parties") desire to prepare and adopt a "protocol" that will guide the development of certain public infrastructure within the Spokane County Increment Area No. 2005-01 ("Increment Area") consistent with Spokane County resolution No. 2005-1169 creating the Increment Area and City Resolution No. 05-86 concurring in its creation.

WHEREAS, the Parties agree that such a "protocol" would provide a process for the stimulation of private investment and the effective development of public infrastructure that will achieve the shared common goals of the Increment Area.

WHEREAS, the City, in Resolution No. 09-128, has outlined issues it believes should be addressed in the "protocol".

NOW, THEREFORE, be it resolved the Parties agree that the "protocol", which can be adopted in the form of one or more agreements or documents, would include the following key elements:

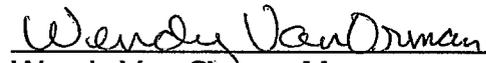
1. The City has adopted a list of "priority" infrastructure projects within the City corporate boundary by Resolution No. 08-119. The City agrees to establish a "Work Group" (consisting of representatives from the City and Greenstone) that will meet on a regular basis to review TIF projects and make recommendations to the City Council regarding the City's "priority" infrastructure projects. The City Council will by resolution update the list of "priority" projects annually. The "priority" projects shall be consistent with the provisions of Spokane County Resolution No. 2005-1169, Description of Public Improvements.
2. Prior to the construction of public infrastructure within the City corporate boundary and consistent with the current list of "priority" infrastructure adopted by the City, Greenstone shall submit to the City a description of the project, including a cost estimate and construction timeline. The City shall by resolution (in a format similar to that attached) make a decision whether or not to concur in the development of the project and reimbursement. Greenstone would seek reimbursement only for public infrastructure projects consistent with the City "priority" list and for which the City has "concurred" by resolution. This concurrence shall occur early in the process and within ninety

(90) days of Greenstone's project submittal to the City. Greenstone may proceed with projects and seek reimbursement, without City concurrence, if the City does not act within the ninety (90) day concurrence period. Subsequent to City concurrence for a project, the City may elect to amend its Capital Facilities Plan to specifically include the project.

3. During the Spokane County public hearing process for the acceptance of and potential purchase of public infrastructure within the Increment Area, the City may provide comments on a project to ensure that the project is within the scope of that approved by the City and that project costs are reasonable, appropriate and customary.
4. The Parties agree that the Increment Area was formed to stimulate private investment that will lead to economic development, job formation, mixed-used or commercial development and the increase of tax base in the Increment Area and that public infrastructure projects will be prioritized and developed to meet these goals. Public infrastructure projects that primarily serve residential development and do not stimulate commercial economic development would not have priority.

Effective Date: This Resolution shall become effective immediately upon passage by the Liberty Lake City Council.

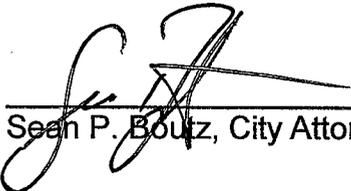
PASSED by the City Council this 18th day of August, 2009.


Wendy Van Orman, Mayor

ATTEST:


Ann Swenson, Deputy City Clerk

APPROVED AS TO FORM:


Sean P. Bouz, City Attorney

CERTIFICATION

I, the undersigned Deputy City Clerk of the City of Liberty Lake, of Spokane County, Washington, HEREBY CERTIFY that the foregoing Resolution is a full, true and correct copy of Resolution No. 09-131 duly adopted at a regular meeting of the City Council of said City, duly and regularly held at the regular meeting placed thereof on August 18, 2009 of which meeting all members of said City Council had due notice and at which a majority thereof were present; and that at said meeting said Resolution was adopted by the following vote: 6-0

AYES, and in favor thereof: Mayor Pro Tem Crump, Council Members: Owens, Langford, Jenkins, Romney, and Schuler

NAYS: None.

ABSENT: Council Member Olander

ASTAINED: None

CITY OF LIBERTY LAKE


DEPUTY CITY CLERK