

RESOLUTION NO. 10-711

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON AUTHORIZING THE MAYOR TO EXECUTE AN ASSIGNMENT AND ASSUMPTION AGREEMENT WITH OGDEN MURPHY WALLACE, PLLC AND OLBRECHTS AND ASSOCIATES, PLLC, TO RETAIN PHIL OLBRECHTS AS THE CITY'S HEARING EXAMINER

WHEREAS, the City Council approved Ordinance 08-857 on April 3, 2008, creating the position of Hearing Examiner; and

WHEREAS, the City Council approved Resolution 08-522 on June 19, 2008, authorizing the Mayor to execute a professional services agreement with Ogden Murphy Wallace, PLLC; and

WHEREAS, said agreement was executed and specifically identified Mr. Phil Olbrechts of Ogden Murphy Wallace, PLLC to act a lead hearing examiner for the City; and

WHEREAS, Mr. Olbrechts has served in that capacity since that time, including conducting the lengthy Lawson Hills and The Villages Master Planned Developments and Final EIS appeal hearings; and

WHEREAS, Mr. Olbrechts has notified the City that he is leaving Ogden Murphy Wallace, PLLC, to form his own firm, Olbrechts and Associates, PLLC and desires to continue to provide hearing examiner services to the City; and

WHEREAS, Ogden Murphy Wallace, PLLC has agreed to assign its interest in this contract to Olbrechts and Associates, PLLC; and

WHEREAS, the City Council desires to retain the services of Mr. Olbrechts;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The City Council of the City of Black Diamond, Washington, does hereby authorize the Mayor, on behalf of the City, to execute the Assignment and Assumption Agreement substantially in the form attached as Exhibit A.

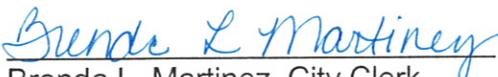
PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND,
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 21st DAY OF OCTOBER,
2010.

CITY OF BLACK DIAMOND:



Rebecca Olness, Mayor

Attest:



Brenda L. Martinez, City Clerk

ASSIGNMENT AND ASSUMPTION AGREEMENT

THIS ASSIGNMENT AND ASSUMPTION AGREEMENT (“Assignment”) by and between the City of Black Diamond, a Washington municipal corporation (“City,”) Ogden Murphy Wallace, PLLC, a Washington professional limited liability company (“OMW”), and Olbrechts and Associates, PLLC, a Washington professional limited liability company (“OA”), is dated and effective this November 1, 2010 (the “Effective Date”).

RECITALS

OMW and City are parties to that certain agreement for services dated June 19, 2008 (the “Existing Agreement”). Phil Olbrechts is currently a member attorney at OMW but is leaving to establish his own practice, OA, as of the Effective Date. City currently receives the services of Olbrechts pursuant to the Existing Agreement. OMW, OA and City desire to have OMW assign the Existing Agreement to OA, for OA to assume all rights and obligations under the Existing Agreement, and the City to consent to the assignment and assumption of the Existing Agreement from OMW to OA.

NOW, THEREFORE, in consideration of the mutual promises and obligations set forth below, the parties hereby agree as follows:

ASSIGNMENT

1. **Assignment by OMW.** OMW hereby transfers and assigns all of its right, title and interest, and obligations under the Existing Agreement to OA.
2. **Assumption by OA.** OA hereby accepts the assignment of the Existing Agreement, and assumes all responsibility and liability for all of OMW’s obligations and responsibilities thereunder.
3. **City’s Consent to Assignment.** City hereby consents to OMW’s assignment of its rights, title, interest, and obligations under the Existing Agreement to OA. City releases OMW from any obligations or liabilities under the Existing Agreement arising from conduct after the Effective Date.
5. **Recitals.** The recitals set forth above are hereby incorporated into this Assignment.

In WITNESS WHEREOF, the parties have duly executed and delivered this Assignment as of dates below.

OA:

Olbrechts and Associates, PLLC

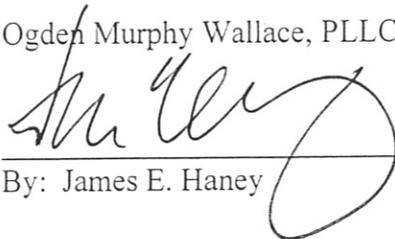


By: Phil A. Olbrechts
Its: Member/Manager

Date: 9/29/10

OMW:

Ogden Murphy Wallace, PLLC



By: James E. Haney

Date: 9/29/10

CITY:

CITY OF BLACK DIAMOND



By: Rebecca Olness
Its: Mayor

Date: 10-22-10