

RESOLUTION

2017 389

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF AUTHORIZING AN AGREEMENT WITH THE CITY OF WEST RICHLAND CONCERNING A REVISION OF THE CITY OF WEST RICHLAND'S CORPORATE BOUNDARY

WHEREAS, RCW 35A.21.210 authorizes code cities and counties to revise any part of a corporate boundary of a city which "coincides with the centerline, edge, or any portion of public street, road or highway right of way by substituting therefor a right of way line of the same public street, road or highway so as fully to include or fully to exclude that segment of the public street, road or highway from the corporate limits of the city"; and

WHEREAS, Benton County owns a right of way the edge of which abuts the City limits of the City of West Richland; and

WHEREAS, the City of West Richland desires to own the right of way and Benton County desires to transfer the right of way to the City of West Richland; and

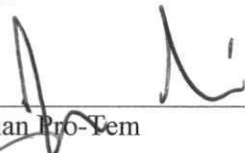
WHEREAS, the City of West Richland and Benton County have the authority to enter into this agreement pursuant to RCW 35A.21.210; **NOW, THEREFORE,**

BE IT RESOLVED that the Agreement City of West Richland – County of Benton Revision of Corporate Boundary be approved and the Chairman of the Board of Benton County Commissioners is authorized to sign said agreement.

Dated this 6th day of June 2017.



Chairman



Chairman Pro-Tem



Member

Attest:


Clerk of the Board

Constituting the Board of County
Commissioners of Benton County,
Washington

AGREEMENT
CITY OF WEST RICHLAND ----- COUNTY OF BENTON
REVISION OF CORPORATE BOUNDARY

WHEREAS, RCW 35A.21.210 authorizes code cities and counties to revise any part of a corporate boundary of a city which “coincides with the centerline, edge, or any portion of a public street, road or highway right of way by substituting therefor a right of way line of the same public street, road or highway so as fully to include or fully to exclude that segment of the public street, road or highway from the corporate limits of the city”; and

WHEREAS, Benton County (hereafter Country) owns a right of way the edge of which abuts the City limits of the City of West Richland (City) which is legally described on exhibit “A” and depicted on exhibit “B” attached hereto and incorporated herein by reference (hereafter right of way); and

WHEREAS, the right of way was not included with previous annexations; and

WHEREAS, the City desires to own the right of way and the County desires to transfer the right of way to City; and

WHEREAS, the City and the County have the authority to enter into this agreement pursuant to Chapter 35A.21.210 RCW;

NOW THEREFORE, City and County agree as follows:

1. City shall pass an Ordinance in the form attached hereto as exhibit “C” revising the City’s corporate boundary by authority of this agreement to include the property described on exhibit “A” and depicted on exhibit “B”.
2. County shall pass a Resolution in the form attached hereto as exhibit “D” approving the City’s Ordinance revising its corporate limits to include the properties listed on exhibit “A” and depicted on exhibit “B”.
3. The revision of the City’s corporate boundary will not become effective until the County’s Resolution is passed by the Benton County Commissioners.
4. The Public Works Director of City and the County Engineer of County are jointly designated as responsible for implementing and administering this agreement.
5. The City and County will not acquire any joint property pursuant to this agreement.
6. The purpose of this agreement is to include right of way currently in Benton County within the jurisdictional limits of the City of West Richland.

7. Should a dispute arise regarding this agreement, the parties hereto shall first meet and attempt in good faith to resolve their differences. In the event that is unsuccessful, then the parties shall submit this matter to binding arbitration in accordance with the rules of the American Arbitration Association.
8. The parties agree that the revision to City's corporate boundary is not subject to review by the Benton County Boundary Review Board.
9. This agreement may be amended or modified only by written agreement duly executed by the parties hereto. This agreement is executed in duplicate originals. One original shall go to each party. The City shall record this agreement with the Benton County Auditor after it has been approved by City and County.

DATED:

COUNTY BY:



CHAIR OF THE BENTON COUNTY
BOARD OF COMMISSIONERS

CITY BY:



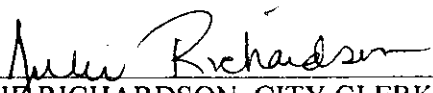
BRENT GERRY, MAYOR

ATTEST:



CLERK OF THE BOARD

ATTEST:



JULIE RICHARDSON, CITY CLERK

APPROVED AS TO FORM:



DEPUTY PROSECUTING ATTORNEY

APPROVED AS TO FORM:



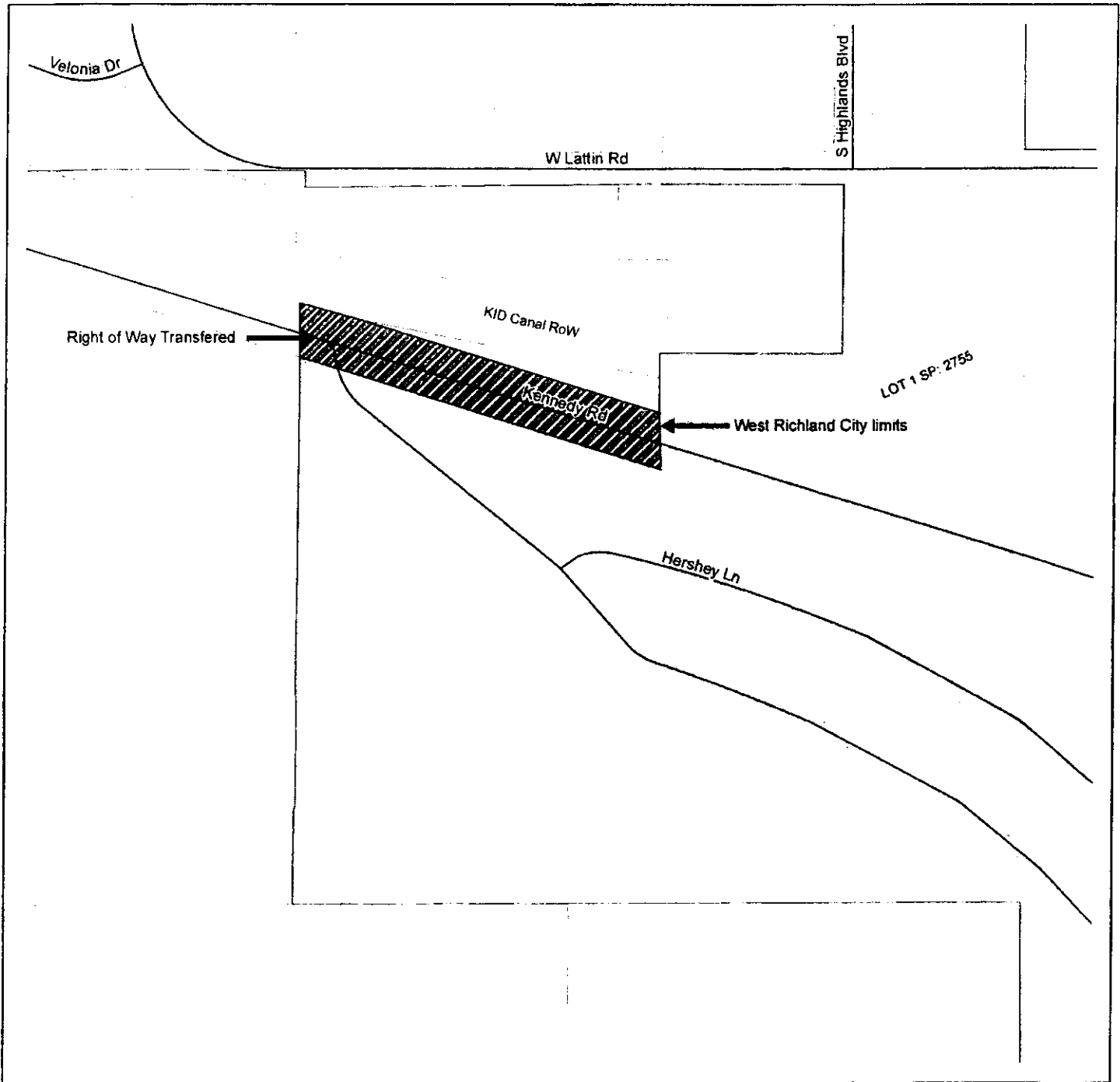
BRONSON BROWN, CITY ATTORNEY

EXHIBIT "A"

DESCRIPTION OF RIGHT OF WAY TO BE ANNEXED

All portions of the Kennedy Road right of way between the west line of the northeast quarter of the southwest quarter of Section 18, Township 9 North, Range 28 East and the southerly extension of the most westerly line of Lot 1, Short Plat 2755 also being the current City Limits.

Exhibit B



Map Description: Right of way transfer of Kennedy Rd to the City of West Richland.
Spatial Reference: NAD 83 HARN Washington State Plane South
Author: Cameron Cole GIS Tech II



0 0.025 0.05 Miles

Legend



-  Transferred Right of Way
-  City Limits: West Richland

EXHIBIT "C"

City of West Richland Ordinance

EXHIBIT "D"

Benton County Resolution to approve West Richland Ordinance