

RESOLUTION

2018 097

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF AUTHORIZING AN AGREEMENT WITH THE CITY OF KENNEWICK CONCERNING A REVISION OF THE CITY OF KENNEWICK'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

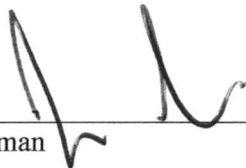
WHEREAS, Benton County owns a right of way, the edge of which abuts the City limits of the City of Kennewick; and

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


WHEREAS, the City of Kennewick 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 between Benton County and City of Kennewick for Revision of Corporate Boundary be approved and the Chairman of the Board of Benton County Commissioners is authorized to sign said agreement.

Dated this 30th day of January 2018.

  
Chairman

  
Chairman Pro-Tem

  
Member

Attest:   
Clerk of the Board

Constituting the Board of County Commissioners of Benton County, Washington

AGREEMENT BETWEEN  
BENTON COUNTY AND CITY OF KENNEWICK FOR  
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 Kennewick (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;

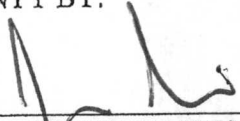
**NOW THEREFORE**, City and County agree as follows:

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 Kennewick.

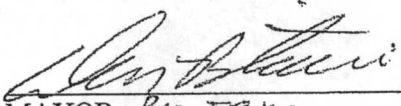
7. Should a dispute arise regarding this agreement, the parties hereto shall first meet and attempt in good faith to resolve their differences. In the event that is unsuccessful, then the parties shall submit this matter to binding arbitration in accordance with the rules of the American Arbitration 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:

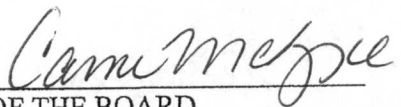
COUNTY BY:

  
\_\_\_\_\_  
CHAIR OF THE BENTON COUNTY  
BOARD OF COMMISSIONERS

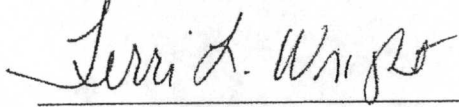
CITY BY:

  
\_\_\_\_\_  
MAYOR *Vio Tem*


ATTEST:

  
\_\_\_\_\_  
CLERK OF THE BOARD

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
DEPUTY PROSECUTING ATTORNEY

APPROVED AS TO FORM:


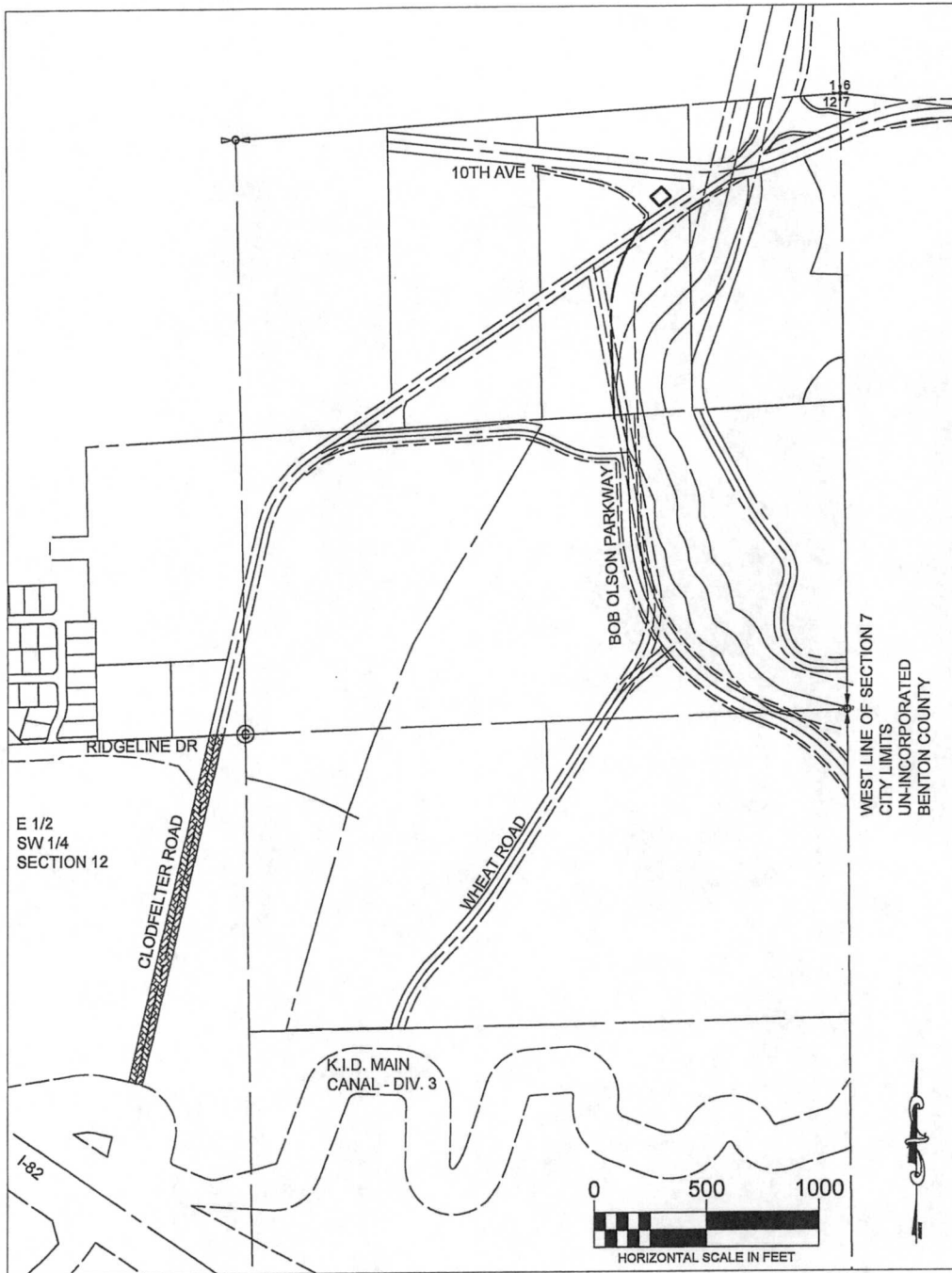
  
\_\_\_\_\_  
CITY ATTORNEY

EXHIBIT "A"

DESCRIPTION OF RIGHT OF WAY TO BE INCLUDED IN CORPORATE BOUNDARY  
REVISION

All portions of the Clodfelter Road right of way in the east one half of the southwest quarter of Section 12, Township 8 North, Range 28 East, W.M., lying north of the Kennewick Irrigation District main canal.

# EXHIBIT B



PORTION OF CLODFELTER ROAD  
TO BE TRANSFERRED TO C.O.K.


<p>Clodfelter Road Right of Way Transfers</p>	
<p>ENGINEERING</p>  <p><b>KENNEWICK</b> DEPARTMENT</p>	<p>DATE 9-13-2017 DWN RAW</p>
<p>DWG. NO.</p>	

EXHIBIT "C"

CITY OF KENNEWICK  
ORDINANCE NO. 5737

AN ORDINANCE REVISING THE CORPORATE BOUNDARY OF THE CITY OF KENNEWICK TO INCLUDE A PORTION OF CLODFELTER ROAD AND ALSO DECLARES THAT THE PROVISIONS OF THE ORDINANCE ARE SEVERABLE FROM ONE ANOTHER AND SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE AND PROVIDES FOR PUBLICATION BY SUMMARY

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1. Recitals:**

**WHEREAS**, the City of Kennewick and the County of Benton have entered into an Agreement for the revision of the corporate boundary of the City of Kennewick (hereinafter Agreement) pursuant to RCW 35A.21.210; and

**WHEREAS**, the City of Kennewick must pass an Ordinance to revise its corporate limits in compliance with the Agreement; and

**WHEREAS**, this action is exempt from review under the State Environmental Policy Act (RCW 43.21C.222) and is exempt from review by the Benton County Boundary Review Board pursuant to RCW 35A.21.210; and

**WHEREAS**, the revision of the corporate boundary of the City of Kennewick to include the property described below is consistent with the City's Comprehensive Plan as the adjusted area is within the City's Urban Growth Area and inclusion of the roadway within the City Limits will foster economic growth in the City.

**Section 2.** The corporate limits of the City of Kennewick are hereby revised to include the following described real property which consists of roadway and road right-of-way:

All portions of the Clodfelter Road right of way in the east one half of the southwest quarter of Section 12, Township 8 North, Range 28 East, W.M., lying north of the Kennewick Irrigation District main canal.

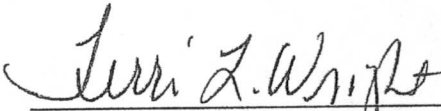
**Section 3.** All property within the revised corporate boundary shall be assessed and taxed at the same rate and on the same basis as property within the City, including assessments for taxes and payment of any bonds issued or debts contracted prior to or existing as of the date of annexation and be further subject to the indebtedness of the City of Kennewick.

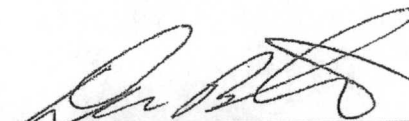
**Section 5. Severability.** The provisions of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this ordinance shall not as a result of said section, subsection, sentence, clause, or phrase be held unconstitutional or invalid.

**Section 6.** This ordinance shall be in full force and effect five days from and after its passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this 5<sup>th</sup> day of December, 2017, and signed in authentication of its passage this 5<sup>th</sup> day of December, 2017.

Attest:

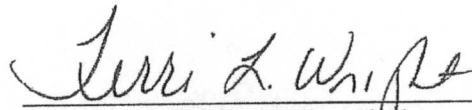
  
\_\_\_\_\_  
TERRI L. WRIGHT, City Clerk

  
\_\_\_\_\_  
STEVE C. YOUNG, Mayor Pro Tem  
Dan Britain

ORDINANCE NO. 5737 filed and recorded in the office of the City Clerk of the City of Kennewick, Washington this 6<sup>th</sup> day of December, 2017.

Approved as to Form:

  
\_\_\_\_\_  
LISA BEATON, City Attorney

  
\_\_\_\_\_  
TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION 12-9-17

EXHIBIT "D"

**RESOLUTION**

**BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:**

**IN THE MATTER OF APPROVING CITY OF KENNEWICK'S ORDINANCE NUMBER 5737 WHICH REVISES THE CITY OF KENNEWICK'S CORPORATE BOUNDARY**

**WHEREAS**, Benton County is the owner of right of way adjacent to the City of Kennewick commonly known as a portion of Clodfelter Road; and

**WHEREAS**, the County desires to transfer ownership of said right of way to the City and City desires to accept ownership of such; and

**WHEREAS**, an Agreement was entered into by the City of Kennewick and Benton County describing the process for said transfer of ownership on January 23, 2018; and

**WHEREAS**, the City of Kennewick passed an Ordinance on December 9, 2017 initiating said transfer; **NOW, THEREFORE,**

**BE IT RESOLVED** that the City of Kennewick's Ordinance Number 5737 is hereby approved; and

**BE IT FURTHER RESOLVED** that the corporate boundarty of the City of Kennewick is revised to include the real property described as follows:

All portions of the Clodfelter Road right of way in the east one half of the southwest quarter of Section 12, Township 8 North, Range 28 East, lying north of the Kennewick Irrigation District main canal.

Dated this 23rd day of January 2018.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Chairman Pro-Tem

\_\_\_\_\_  
Member

Constituting the Board of County  
Commissioners of Benton County,  
Washington

Attest: \_\_\_\_\_  
Clerk of the Board