

**RESOLUTION            2022 383**

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

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

**WHEREAS**, RCW 35A.21.210 authorizes 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 owns right of way at North River Road, Albro Road, Hoisington Road and Wine Country Road, the edges of which abut the City limits of the City of Prosser; and

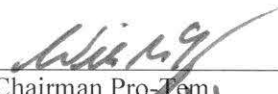
**WHEREAS**, the City of Prosser desires to own these rights of way and Benton County desires to transfer these rights of way to the City of Prosser; and

**WHEREAS**, the City of Prosser 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 with the City of Prosser – 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 7<sup>th</sup> day of June 2022.

  
\_\_\_\_\_  
Chairman

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

  
\_\_\_\_\_  
Member

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

Constituting the Board of County  
Commissioners of Benton County,  
Washington

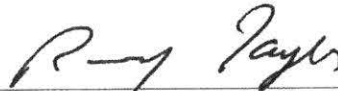
**CITY OF PROSSER, WASHINGTON  
RESOLUTION NO. 22-1702**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PROSSER  
APPROVING INTERLOCAL COOPERATION AGREEMENT BETWEEN  
THE CITY OF PROSSER AND BENTON COUNTY REGARDING FOR  
THE REVISION OF THE CORPORATE BOUNDARY OF THE CITY OF  
PROSSER.**

**BE IT RESOLVED**, by the City Council of the City of Prosser that it is the desire of the City Council that:

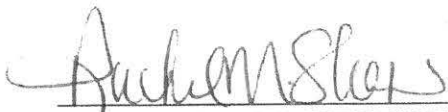
1. The Interlocal Cooperation Agreement, a copy of which is attached hereto and incorporated herein as if fully set forth is hereby approved and the Mayor is authorized to execute the agreement in duplicate originals.
2. Once fully executed the City Clerk shall list the agreement on the City's website as outlined in RCW 39.34.040.

**ADOPTED** by the City Council of the City of Prosser and **APPROVED** by the Mayor of the City of Prosser this 26<sup>th</sup> day of April, 2022.



MAYOR RANDY TAYLOR

ATTEST:

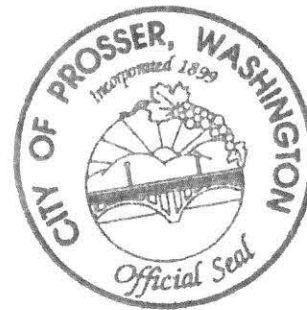


RACHEL SHAW, CITY CLERK

APPROVED AS TO FORM:



HOWARD SAXTON, CITY ATTORNEY



INTERLOCAL AGREEMENT  
CITY OF PROSSER ----- 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 County) owns a right of way the edge of which abuts the City limits of the City of Prosser (City) which is legally described on exhibit “A” attached hereto and incorporated herein by reference (hereafter right of way); 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 39.34 RCW and 35A.21.210 RCW;

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

1. City shall pass an Ordinance in substantially the form attached hereto as exhibit “B” revising the City’s corporate boundary by authority of this agreement to include the property described on exhibit “A”.
2. County shall pass a Resolution substantially in the form attached hereto as exhibit “C” approving the City’s Ordinance revising its corporate limits to include the properties listed on exhibit “A”.
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 Mayor 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 Prosser.
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. 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.

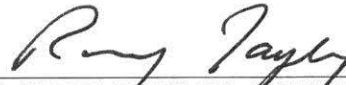
DATED:

COUNTY BY:



CHAIR OF THE BENTON COUNTY  
BOARD OF COMMISSIONERS

CITY BY:



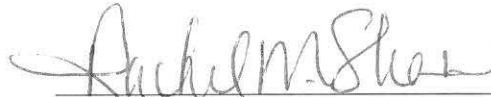
RANDY TAYLOR, MAYOR

ATTEST:



CLERK OF THE BOARD

ATTEST:



RACHEL SHAW, CITY CLERK

APPROVED AS TO FORM:



DEPUTY PROSECUTING ATTORNEY

APPROVED AS TO FORM:



HOWARD SAXTON, CITY ATTORNEY

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## EXHIBIT "A"

### DESCRIPTION OF RIGHT OF WAY TO BE ANNEXED

#### Area 1:

All of North River Road Right-of-way located between 1396 PR SW and Moore Road.

#### Area 2:

All of Albro Road Right-of-Way between Old Inland Empire Highway and Wine Country Road not currently in the City limits. Together with the Wine Country Road and Albro Road intersection. Also together with the Old Inland Empire Highway and Albro Road intersection.

#### Area 3:

All of Hoisington Road Right-Of-Way located between Wine Country Road and the Easterly boundary of Lot 2, Short Plat 3698, recorded on June 11, 2021, under Auditor's file 2021-027832, records of Benton County, Washington. Together with the Wine Country Road and Hoisington Road intersection.

#### Area 4:

All of Wine Country Road Right-of-Way located between the Albro Road Intersection and Hoisington Road intersection.

EXHIBIT "B"

CITY OF PROSSER, WASHINGTON

ORDINANCE NO.

**AN ORDINANCE REVISING THE CORPORATE BOUNDARY OF THE CITY OF PROSSER TO INCLUDE A PORTION OF THE FOLLOWING STREETS: NORTH RIVER ROAD, ALBRO ROAD, ALBRO ROAD/WINE COUNTRY ROAD INTERSECTION, ALBRO ROAD/OLD INLAND EMPIRE HIGHWAY INTERSECTION, HOISINGTON ROAD, HOISINGTON ROAD/WINE COUNTRY ROAD INTERSECTION, AND WINE COUNTRY ROAD. THE ORDINANCE 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 PROSSER, WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1. Recitals**

**WHEREAS**, The City of Prosser and the County of Benton have entered into an Interlocal Agreement for the revision of the corporate boundary of the City of Prosser (hereinafter Interlocal Agreement); and

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

**WHEREAS**, this action is exempt from review under the State Environmental Policy Act (RCW 43.21C.222); and

**WHEREAS**, the revision of the corporate boundary of the City of Prosser to include the property described below is consistent with the City's Comprehensive Plan since 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 Prosser are hereby revised to include the following described real property which consists of roadway and road right-of-way:

Area 1:

All of North River Road Right-of-way located between 1396 PR SW and Moore Road.

Area 2:

All of Albro Road Right-of-Way between Old Inland Empire Highway and Wine Country Road not currently in the City limits. Together with the Wine Country Road and Albro Road intersection. Also together with the Old Inland Empire Highway and Albro Road intersection.

Area 3:

All of Hoisington Road Right-Of-Way located between Wine Country Road and the Easterly boundary of Lot 2, Short Plat 3698, recorded on June 11, 2021, under Auditor's file 2021-027832, records of Benton County, Washington. Together with the Wine Country Road and Hoisington Road intersection.

Area 4:

All of Wine Country Road Right-of-Way located between the Albro Road Intersection and Hoisington Road intersection.

**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 Prosser.

**Section 4.** From and after the effective date of this ordinance, the above described property shall be subject to all of the laws and ordinances then and thereafter in force and effect of the City of Prosser.

**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 take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

**PASSED** by the City Council and **APPROVED** by the Mayor, this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
**MAYOR**

ATTEST:

\_\_\_\_\_  
**CITY CLERK, RACHEL SHAW**

Approved as to form:

\_\_\_\_\_  
**CITY ATTORNEY, HOWARD SAXTON**

Date of Publication: \_\_\_\_\_

**SUMMARY OF ORDINANCE NO. 22-\_\_\_\_\_**

of the City of Prosser, Washington

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On the \_\_\_\_ day of \_\_\_\_\_, 2022, the City of Prosser, Washington, passed Ordinance No. \_\_\_\_\_. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE REVISING THE CORPORATE BOUNDARY OF THE CITY OF PROSSER TO INCLUDE A PORTION OF THE FOLLOWING STREETS: NORTH RIVER ROAD, ALBRO ROAD, ALBRO ROAD/WINE COUNTRY ROAD INTERSECTION, ALBRO ROAD/OLD INLAND EMPIRE HIGHWAY INTERSECTION, HOISINGTON ROAD, HOISINGTON ROAD/WINE COUNTRY ROAD INTERSECTION, AND WINE COUNTRY ROAD,. THE ORDINANCE 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 full text of this Ordinance will be mailed upon request.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2022

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CITY CLERK, RACHEL SHAW

Date of Publication: \_\_\_\_\_

EXHIBIT "C"

**RESOLUTION**

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

IN THE MATTER OF COUNTY ROADS, RE: INTERLOCAL AGREEMENT, CITY OF PROSSER - COUNTY OF BENTON, REVISION OF CORPORATE BOUNDARY

WHEREAS, Benton County is the owner of right of way adjacent to the City of Prosser commonly known as a portion of North River Road and Albro Road, and

WHEREAS, an Interlocal Agreement is recommended by the Director of Public Works and has been Approved as to form by the Prosecuting Attorney's Office,

NOW, THEREFORE, BE IT RESOLVED that the Interlocal Agreement, City of Prosser - County of Benton, Revision of Corporate Boundary be approved and the Chairman of the Board of County Commissioners is hereby authorized to sign said Agreement on behalf of Benton County.

Be it further resolved that the City of Prosser's Ordinance Number 22-\_\_\_\_\_ is hereby approved and the corporate boundary of the City of Prosser is revised to include the real property described as follows:

Area 1:

All of North River Road Right-of-way located between 1396 PR SW and Moore Road.

Area 2:

All of Albro Road Right-of-Way between Old Inland Empire Highway and Wine Country Road not currently in the City limits. Together with the Wine Country Road and Albro Road intersection. Also together with the Old Inland Empire Highway and Albro Road intersection.


Area 3:

All of Hoisington Road Right-Of-Way located between Wine Country Road and the Easterly boundary of Lot 2, Short Plat 3698, recorded on June 11, 2021, under Auditor's file 2021-027832, records of Benton County, Washington. Together with the Wine Country Road and Hoisington Road intersection.

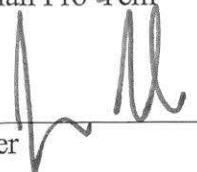
Area 4:

All of Wine Country Road Right-of-Way located between the Albro Road Intersection and Hoisington Road intersection.

Dated this 7 Day of June, 2022.

  
\_\_\_\_\_  
Chairman

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

  
\_\_\_\_\_  
Member

Attest:   
Clerk of the Board

Constituting the Board of County  
Commissioners of Benton County,  
Washington