

RESOLUTION 2023 261

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF AN AGREEMENT BETWEEN BENTON COUNTY AND THE CITY OF WEST RICHLAND FOR THE REVISION OF CORPORATE BOUNDARY FOR THE CITY OF WEST RICHLAND

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, the City of West Richland seeks to revise a portion of the corporate boundary of the city that coincides with the north right of way line of SR 224 in coordination with Benton County; and

WHEREAS, the Washington State Department of Transportation (WSDOT) supports revising the corporate boundary to include SR 224 within City limits; and

WHEREAS, pursuant to RCW 36.01.010 and RCW 36.32.120 the legislative authority of each county is authorized to enter into contracts on behalf of the County and have the care of County property and management of County funds and business; and

WHEREAS, the Board of Benton County Commissioners constitutes the legislative authority of Benton County and desires to enter into the attached agreement as being in the best interest of Benton County;
NOW THEREFORE,

BE IT RESOLVED that the Board of Benton County Commissioners, hereby approves the attached agreement between Benton County and the City of West Richland for the revision of corporate boundary for the City of West Richland; and

BE IT FURTHER RESOLVED that the Chairman of the Board of Benton County Commissioners be, and hereby is, authorized to sign the attached agreement on behalf of Benton County.

APPROVED this 21st day of March 2023.



Chairman
JEROME DELVIN - ABSENT

Chairman Pro Tem



Commissioner

Attest:



Clerk of the Board

Constituting the Board of County Commissioners
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, the City of West Richland (City) seeks to revise a portion of the corporate boundary of the city that coincides with the north right of way line of SR 224 in coordination with Benton County (County); and

WHEREAS, the westerly most right of way along SR 224 is outside of the city limits along the frontage of parcels 111971000005004, 111971000005005 and 111971000005006 which are within city limits; and

WHEREAS, the City desires to design and maintain this segment of the SR224 roadway under City urban standards; and

WHEREAS, the Washington State Department of Transportation (WSDOT) supports revising the corporate boundary to include SR 224 within City limits; and

WHEREAS, SR 224 is maintained by WSDOT and within city limits shares maintenance responsibilities with the City by agreement pursuant to RCW 47.24 and by Conformed Agreement dated April 2, 2013; and

WHEREAS, the area for corporate boundary adjustment 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 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. 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.
7. The parties agree that the revision to City's corporate boundary is not subject to review by the Benton County Boundary Review Board.
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

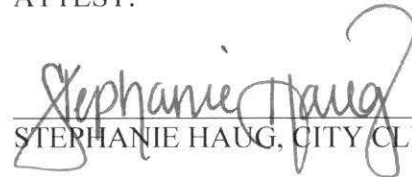
CITY BY:


 BRENT GERRY, MAYOR

ATTEST:


 CLERK OF THE BOARD

ATTEST:


 STEPHANIE HAUG, CITY CLERK

APPROVED AS TO FORM:

DocuSigned by:

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 DEPUTY PROSECUTING ATTORNEY

APPROVED AS TO FORM:

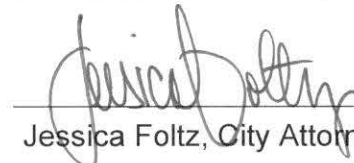

 Jessica Foltz, City Attorney

EXHIBIT "A"

DESCRIPTION OF RIGHT OF WAY TO BE INCORPORATED

All portions of the SR224 right of way between the west line of the southwest quarter of the northeast quarter of Section 11, Township 9 North, Range 27 East and the current City Limits.

EXHIBIT "B"

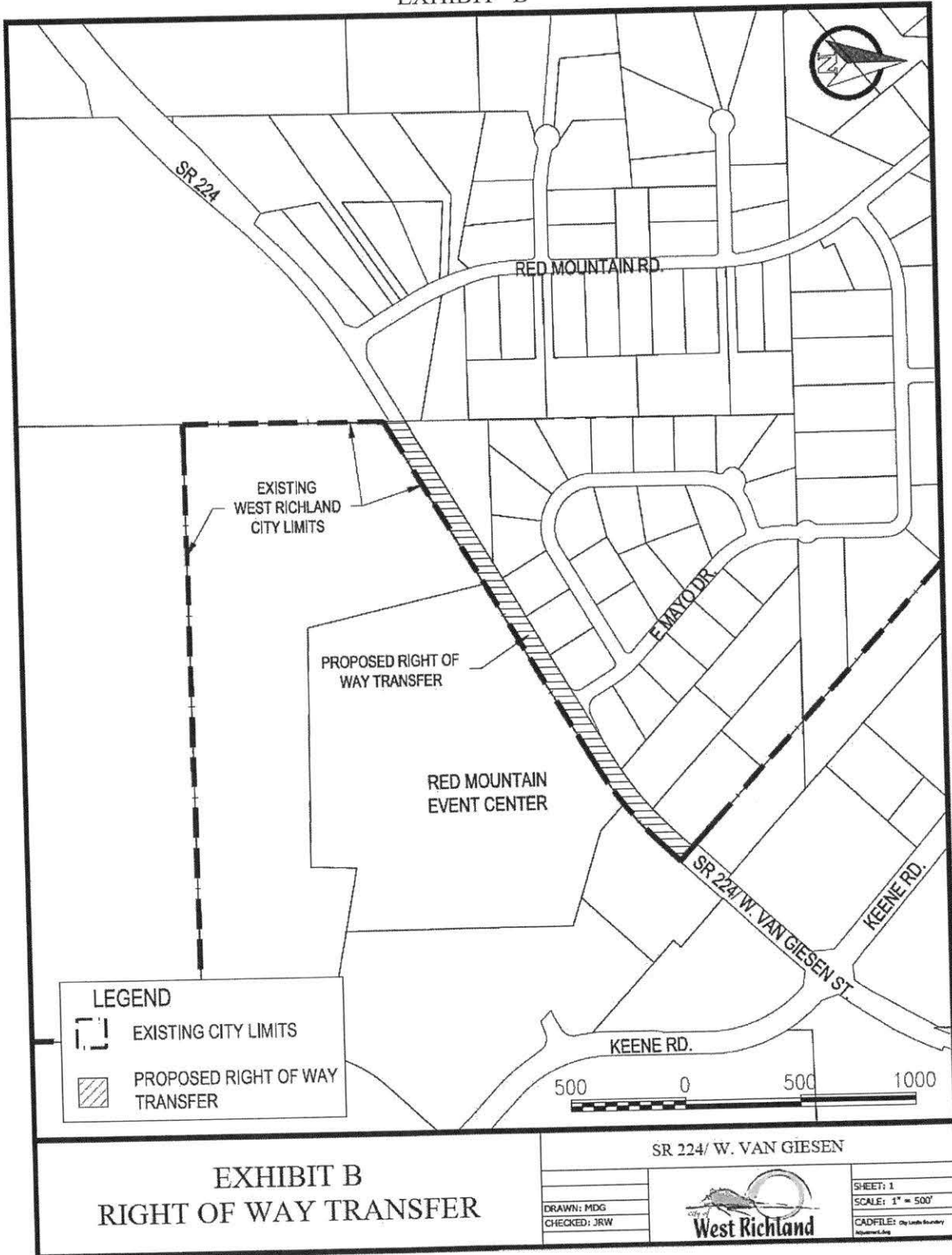


EXHIBIT B
RIGHT OF WAY TRANSFER

SR 224/ W. VAN GIESEN

DRAWN: MDG
CHECKED: JRW



SHEET: 1
SCALE: 1" = 500'
CADFILE: City Limits Boundary
Attachment.dwg

EXHIBIT "C"

CITY OF WEST RICHLAND, WASHINGTON

ORDINANCE NO. __-23

AN ORDINANCE REVISING THE CORPORATE BOUNDARY OF THE CITY OF WEST RICHLAND TO INCLUDE A PORTION OF SR224. 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 WEST RICHLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Recitals

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

WHEREAS, the City of West Richland 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 West Richland to include the property described below is consistent with the City's Comprehensive Plan since the adjusted area is adjacent to existing properties within the city limits.

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

All portions of the SR224 right of way between the west line of the southwest quarter of the northeast quarter of Section 11, Township 9 North, Range 27 East and the current City Limits.

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 West Richland.

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 West Richland.

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 _____, 2023.

BRENT GERRY, MAYOR

ATTEST:

STEPHANIE HAUG, CITY CLERK

Approved as to form:

BRONSON BROWN, CITY ATTORNEY

Date of Publication: _____

EXHIBIT "D"

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY ROADS, RE: CITY OF WEST RICHLAND - COUNTY OF BENTON, REVISION OF CORPORATE BOUNDARY

WHEREAS, SR224 is the owner of right of way adjacent to the City of West Richland city limits, and

WHEREAS, the City desires to have the corporate boundary line adjusted to include the right of way within City limits, and

WHEREAS, an Agreement was entered into by the City of West Richland and Benton County describing the process for said boundary line adjustment on _____, 2023, and

WHEREAS, pursuant to said agreement the City of West Richland passed an Ordinance on _____, 2023 initiating said adjustment. NOW, THEREFORE,

BE IT RESOLVED that the City of West Richland's Ordinance Number __-23 is hereby approved, and

BE IT FURTHER RESOLVED that the corporate boundary of the City of West Richland is revised to include the real property described as follows:

All portions of the SR224 right of way between the west line of the southwest quarter of the northeast quarter of Section 11, Township 9 North, Range 27 East and the current City Limits.

Dated this ____ Day of _____, 2023.

Chairman

Chairman Pro-Tem

Commissioner

Attest: _____
Clerk of the Board

Constituting the Board of County
Commissioners of Benton County,
Washington

**CITY OF WEST RICHLAND
ORDINANCE NO. 05-23**

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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 West Richland.

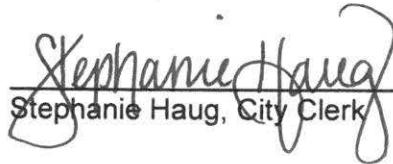
Section 5. SEVERABILITY. The provisions of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this ordinance 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 effective five days following the date of its publication in the official newspaper of the City.

PASSED by the City Council for the City of West Richland, Washington, this 7th day of February 2023.


Brent Gerry, Mayor

ATTEST:


Stephanie Haug, City Clerk

APPROVED AS TO FORM:


Jessica Foltz, City Attorney