

RESOLUTION 2024 0042

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 to include the west right-of-way line of Webster Avenue in coordination with Benton County; and

WHEREAS, the City of West Richland desires to design and maintain this segment of Webster Avenue under City urban standards; and

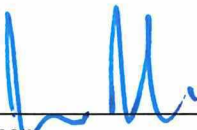
WHEREAS, pursuant to RCW 36.01.010 and RCW 36.32.120 the legislative authority of each county is authorized to enter into contracts on behalf of the County and have the care of County property and management of County funds and business; and

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 or the Chairman Pro Tem of the Board of Benton County Commissioners be, and hereby is, authorized to sign the attached agreement on behalf of Benton County.

APPROVED this 9th day of January 2024.



Chairman



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) was granted a right of way along Webster Avenue as described in the Right-of-Way Dedication Deed recorded December 18, 2017, under Benton County Auditor’s File No 2017-037047; and

WHEREAS, however, the westerly most right of way along Webster Avenue is outside of the City limits along the frontage of parcels 118981120000013, 118981120000012, 118981120000011 and 118981120000010 which are within City limits; and

WHEREAS, the City seeks to revise that portion of the corporate boundary of the City to include the west right of way line of Webster Avenue in coordination with Benton County (County); and

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

WHEREAS, Webster Avenue within the City limits is maintained by the City; 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 RCW 35A.21.210;

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 real 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 property 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 a mutually agreed resolution is not reached, 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 pursuant to RCW 35A.21.210(2) and RCW 36.93.105(2).
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: 1/9/2024

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:


 DEPUTY PROSECUTING ATTORNEY

APPROVED AS TO FORM:

 JESSICA FOLTZ, CITY ATTORNEY

EXHIBIT "A"

DESCRIPTION OF RIGHT OF WAY TO BE INCORPORATED

A PARCEL OF LAND LOCATED WITHIN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER SECTION 18 IN TOWNSHIP 9 NORTH IN RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON, DESCRIBED MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT A FOUND 3" BOR BRASS CAP MARKING THE CENTER OF SAID SECTION 18; THENCE N89°54'53"E ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF SECTION 18, A DISTANCE OF 440.77 FEET; THENCE N00°39'26"W, A DISTANCE OF 30.00' TO THE NORTHERLY RIGHT-OF-WAY LINE OF LATTIN ROAD SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 4 AS SHOWN ON SHORT PLAT RECORDED IN VOLUME 1 OF SHORT PLATS AT PAGE 1277 RECORDS OF BENTON COUNTY UNDER AUDITOR'S FILE NUMBER 868350 ALSO BEING THE **TRUE POINT OF BEGINNING**; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND CONTINUING ALONG THE EAST LINE OF SAID LOT 4 N00°39'26"W, A DISTANCE OF 330.01 FEET TO A ¾" IRON PIPE W/ YELLOW PLASTIC CAP, STAMPED "12624", SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID LOT 4 AND ALSO THE SOUTHEAST CORNER OF SAID LOT 1 AS SHOWN ON SHORT PLAT RECORDED IN VOLUME 1 OF SHORT PLATS AT PAGE 1277 RECORDS OF BENTON COUNTY UNDER AUDITOR'S FILE NUMBER 868350; THENCE S89°54'53"W ALONG THE NORTHERN LINE OF SAID LOT 4, A DISTANCE OF 25.00 FEET; THENCE S00°39'26"E LEAVING THE NORTHLINE OF SAID LOT 4 AND RUNNING PARALLEL TO THE EAST LINE OF SAID LOT 4, A DISTANCE OF 309.81 FEET TO A POINT OF CURVATURE WITH A TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 20.00 FEET; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 31.62 FEET, WITH A DELTA ANGLE OF 90°34'19", A CHORD BEARING OF SOUTH 44°37'44" WEST, AND A CHORD LENGTH OF 28.43 FEET; TO A POINT IN THE NORTHERLY RIGHT-OF-WAY OF LATTIN ROAD SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF SAID LOT 4; THENCE N89°54'53"E ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 45.21' TO THE **TRUE POINT OF BEGINNING**.

HAVING AN AREA OF 8339 SQUARE FEET, 0.19 ACRES.

EXHIBIT "B"

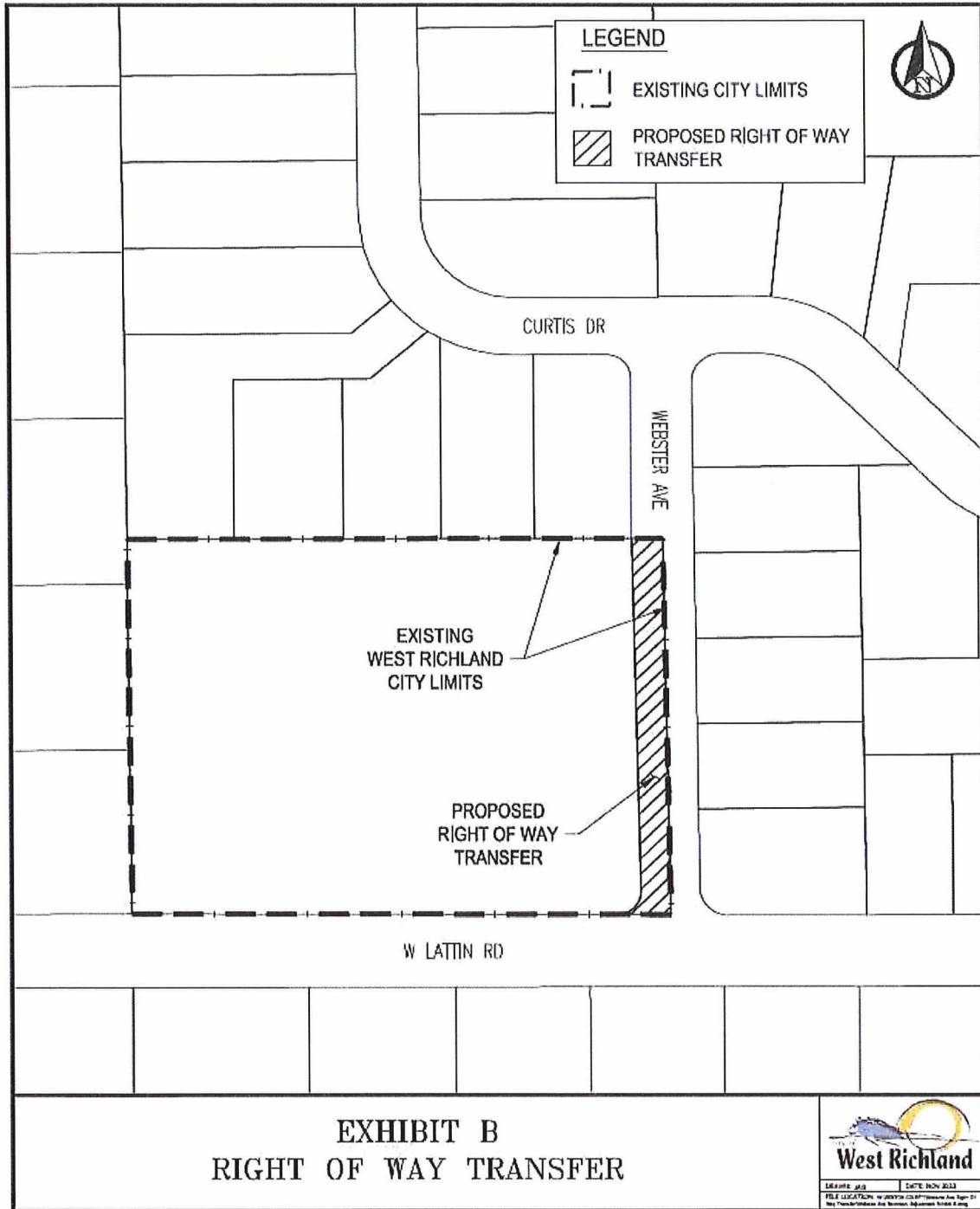


EXHIBIT "C"

CITY OF WEST RICHLAND, WASHINGTON

ORDINANCE NO. __-24

AN ORDINANCE REVISING THE CORPORATE BOUNDARY OF THE CITY OF WEST RICHLAND TO INCLUDE A PORTION OF WEBSTER AVENUE. 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(2) and RCW 36.93.105(2); 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:

A PARCEL OF LAND LOCATED WITHIN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER SECTION 18 IN TOWNSHIP 9 NORTH IN RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON, DESCRIBED MORE PARTICULARLY AS FOLLOWS:
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HAVING AN AREA OF 8339 SQUARE FEET, 0.19 ACRES

Together with 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 _____, 2024.

BRENT GERRY, MAYOR

ATTEST:

STEPHANIE HAUG, CITY CLERK

Approved as to form:

JESSICA FOLTZ, 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, Benton County is the owner of a right of way located on Webster Avenue, adjacent to the 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 _____, 2024; and

WHEREAS, pursuant to said agreement the City of West Richland passed an Ordinance on _____, 2024 initiating said adjustment; NOW, THEREFORE,

BE IT RESOLVED that the City of West Richland's Ordinance Number __-24 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:

A PARCEL OF LAND LOCATED WITHIN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER SECTION 18 IN TOWNSHIP 9 NORTH IN RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON, DESCRIBED MORE PARTICULARLY AS FOLLOWS:

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A DISTANCE OF 45.21' TO THE TRUE POINT OF BEGINNING.

HAVING AN AREA OF 8339 SQUARE FEET, 0.19 ACRES

Together with the current City Limits.

APPROVED this ____ day of _____ 2024.

Chairman

Attest:

Chairman Pro Tem

Clerk of the Board

Commissioner

Constituting the Board of County Commissioners
Benton County, Washington