

**CITY OF WEST RICHLAND
RESOLUTION NO. 37-18**

A RESOLUTION OF THE CITY OF WEST RICHLAND, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN AND EXECUTE A TRANSPORTATION IMPACT FEE MITIGATION AGREEMENT

WHEREAS, the City Council has adopted Ordinance No. 12-92 codified as West Richland Municipal Code Chapter 16.14 to insure that impacts on the City's transportation system will be mitigated as development occurs so that the citizens of the City, both those present and those moving into the City, will continue to enjoy the high quality of life and living environment which currently exists, and

WHEREAS, the expansion and improvement of the City's transportation system are necessary to meet demands prompted by development; and

WHEREAS, the City Council has adopted Ordinance 02-10, establishing and implementing requirements and formulas for use in mitigating development impacts on the City's transportation system; and

WHEREAS, Ordinance 02-10, section 7. Credits, establishes credits against the Developer's Transportation Impact Fee for the value of dedicated land and constructed roadway improvements that are included in the City's Six-Year Transportation Improvement Plan and or serve the goals and objectives of the Transportation Element of the Capital Improvement Plan;

NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF WEST RICHLAND, WASHINGTON, does hereby resolve as follows:

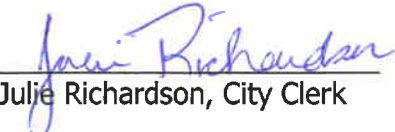
Section 1. The City Council of West Richland, Washington authorizes the Mayor to sign and execute the Transportation Impact Fee Mitigation Agreement as shown in exhibit 'A'.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

PASSED BY THE CITY COUNCIL OF THE CITY OF WEST RICHLAND, WASHINGTON, this 6th day of November, 2018.


Brent Gerry, Mayor

ATTEST:


Julie Richardson, City Clerk

APPROVED TO FORM:


Bronson Brown, City Attorney

**TRANSPORTATION IMPACT FEE
MITIGATION AGREEMENT**

Benton County Parcel Nos. 1-0197-300-0004-000, 1-0197-300-0005-000, 1-0197-300-0006-000, 1-0197-201-0626-001, 1-0197-201-0626-002, 1-0197-201-0626-003, 1-0197-201-0626-004, 1-0197-201-0525-004 and 1-0197-202-0000-011

THIS AGREEMENT is entered into this 6 day of November, 2018, by and between the **City of West Richland**, Hereinafter referred to as the "City", and Cedar Ridge Development LLC and CB Group LLC, collectively referred to as the "Developer".

Under the terms of this agreement, the parties do hereby agree as follows:

- 1) The Developer shall receive a credit against the developments Transportation Impact Fee, as defined by Ordinance 02-10, or as amended by Council for the following items;
 - a) Before issuance of the first certificate of occupancy on Benton County Parcel Nos. 1-0197-300-0004-000, 1-0197-300-0005-000, 1-0197-300-0006-000, 1-0197-201-0626-001, 1-0197-201-0626-002, 1-0197-201-0626-003, 1-0197-201-0626-004, 1-0197-201-0525-004 and 1-0197-202-0000-011 or final acceptance of the first phase of the Preliminary Plat of Western Ridge, whichever one occurs first, the Developer shall per the City's Paradise Way Extension Phase 4 Roadway Project construction plans, as amended by the City Engineer:
 - i. Grade for full build out of Paradise Way, roadway excavation including haul (approx. 18,472 CY neat line) and embankment compaction (approx.. 17,647 CY neat line), including Paradise Way & SR 224 Intersection and Paradise Way from SR 224 to the existing western terminus of Paradise Way. Developer responsible for obtaining permission to grade Paradise Way from private property owners. Developer also responsible for acquiring road row from the private property at the southeast corner of intersection of SR 224 and Paradise Way as shown on the WSDOT approved intersection plans dated October 29, 2013.
 - ii. Increase roadway section from 3" HMA with 8" CSTC to 3" HMA with 4" CSTC and 10" CSBC along frontage of the Preliminary Plat of Western Ridge and frontage of parcel nos. 1-0197-300-0005-000 & 1-0197-300-0006-000.
 - iii. Provide storm drainage piping stubs and additional capacity for development south of Paradise Way along frontage of Western Ridge.
 - iv. Hydroseed all disturbed areas (approx. 4.5 acres).

- v. Widen concrete sidewalk from 5' to 10' along Belmont Blvd frontage of Benton County Parcel No. 1-0197-202-0000-011 (commonly known as the Preliminary Plat of Eagle Point).

2) The City and the Developer agrees that the total credit value for the aforementioned items in section 1 is estimated to be \$287,809.

3) The City shall issue the Developer a \$287,809 credit against the Transportation Impact Fee for Benton County Parcel Nos. 1-0197-300-0004-000, 1-0197-300-0005-000, 1-0197-300-0006-000, 1-0197-201-0626-001, 1-0197-201-0626-002, 1-0197-201-0626-003, 1-0197-201-0626-004 and 1-0197-201-0525-004 as follows:

a) The City shall issue the Developer a Transportation Impact Fee credit of \$131,460.35 for Benton County Parcel No. 1-0197-300-0004-000, 1-0197-201-0626-001, 1-0197-201-0626-002, 1-0197-201-0626-003, 1-0197-201-0626-004 and 1-0197-201-0525-004 (commonly known as the Preliminary Plat of Western Ridge). The Transportation Impact Fee shall be considered fully mitigated with no balance remaining for 61 single family residential homes/townhomes and 50 multi-family residential apartment units once the items in Section 1 are completed by the Developer.

b) The City shall issue the Developer a Transportation Impact Fee credit of \$58,476.30 for Benton County Parcel No. 1-0197-300-0005-000. The Transportation Impact Fee shall be considered fully mitigated with no balance remaining for 44 multi-family residential apartment units and gas service station (with 10 vehicle fuel positions) /mini-mart/car wash once the items in Section 1 are completed by the Developer. If the proposed gas service station/mini-mart/car wash does not occur on the commercial portion of the property, the City shall issue the Developer a Transportation Impact Fee credit of \$20,592.30 to be applied to a future commercial building permit for the commercially zoned portion of this parcel once the items in Section 1 are completed by the Developer.

c) The City shall issue the Developer a Transportation Impact Fee credit of \$63,771.40 for Benton County Parcel No. 1-0197-202-0000-011 (commonly known as the Preliminary Plat of Eagle Point). The Transportation Impact Fee shall be considered fully mitigated with no balance remaining for 32 single family residential townhomes and 6 residential duplexes once the items in Section 1 are completed by the Developer.

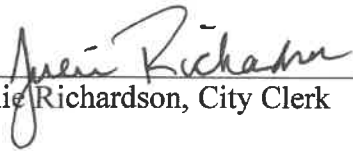
d) The City shall issue the Developer a Transportation Impact Fee credit of \$34,100.95 for Benton County Parcel No. 1-0197-300-0006-000 to be applied to future development on this parcel.

City of West Richland



Brent Gerry, Mayor

ATTEST:



Julie Richardson, City Clerk

APPROVE TO FORM:



Bronson Brown, City Attorney

Cedar Ridge Development LLC



Britt Creer, President

CB Development LLC



Britt Creer, President

STATE OF WASHINGTON)

:SS

County of Benton)

On this day personally appeared before me BRITT CREER, to me known to be President of CEDAR RIDGE DEVELOPMENT, LLC, Washington State limited liability company that executed the foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument on behalf of said limited liability company.

GIVEN under my hand and official seal this 22nd day of August, 2018



NOTARY PUBLIC in and for the State of Washington
residing at Kennewick
My Commission Expires: 2-19-21

Ilka M Gilliam

STATE OF WASHINGTON)

:SS

County of Benton)

On this day personally appeared before me BRITT CREER, to me known to be President of CB DEVELOPMENT, LLC, Washington State limited liability company that executed the foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument on behalf of said limited liability company.

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