

**CITY OF WEST RICHLAND  
RESOLUTION NO. 38-18**

**A RESOLUTION OF THE CITY OF WEST RICHLAND, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN AND EXECUTE A WATER SYSTEM DEVELOPMENT FEE MITIGATION AGREEMENT**

**WHEREAS**, the Water System Development Fee per West Richland Municipal Code Section 13.45.025 is imposed as a connection charge pursuant to RCW Chapters 35.92 and 82.02, and the Growth Management Act on all premises which have not yet connected to the City's water system or which have not paid their equitable share of the cost of the existing system; and

**WHEREAS**, the expansion and improvement of the City's water system is necessary to meet demands prompted by development; and

**WHEREAS**, Water System Development fees collected per West Richland Municipal Code Section 13.45.025 are deposited in the cumulative reserve fund for water system development created by West Richland Municipal Code Chapter 3.40 and disbursed therefrom for capital improvements to the City's water system; and

**WHEREAS**, the developer, Cedar Ridge Development LLC and CB Development LLC, wishes to construct capital improvements to the City's water system on Paradise Way in-lieu of payment of a portion of the Water System Development Fee for the developer's proposed development on Benton County parcel #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 ; and

**WHEREAS**, the City was previously planning on constructing capital improvements to the City's water system on Paradise Way as part of the Paradise Way Extension Phase 4 Roadway Project with said improvements paid for by Water System Development fees previously collected; and

**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 Water System Development Fee Mitigation Agreement as shown in exhibit 'A' with Britt Creer.

**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

**WHEN RECORDED RETURN TO:**

**City of West Richland  
3100 Belmont Blvd., Suite 106  
West Richland, WA 99353**

**WATER SYSTEM DEVELOPMENT FEE  
MITIGATION AGREEMENT**

**Benton County Parcel Nos. 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**

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 development's Water System Development Fee, as per the City's Master Fee Schedule, 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, 1-0197-201-0626-001, 1-0197-201-0626-002, 1-0197-201-0626-003, 1-0197-201-0626-004 and 1-0197-201-0525-004 or final acceptance of the first phase of the Preliminary Plat of Western Ridge, whichever one occurs first, the Developer shall install approximately 1,700 linear feet of 12" PVC water main along Paradise Way from the eastern edge of the Plat of Western Ridge to the existing western terminus of the 12" water main on Paradise Way with associated gate valves, etc. as shown per the City's Paradise Way Extension Phase 4 Roadway Project construction plans, as amended by the City Engineer.

2) The City and the Developer agrees that the total credit value for the aforementioned capital water system improvements in section 1 is estimated to be \$107,800.

3) The City shall issue Developer a \$181,300 credit against the Water System Development Fee for the Preliminary Plat of Western Ridge on Benton County Parcel Nos. 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 once the items in section 1

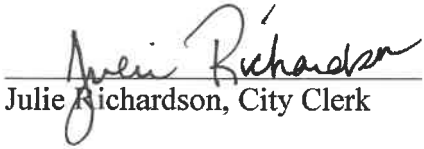
are completed and accepted by the City. Said credit shall fully mitigate the Water System Development Fee for the first 37 single family residential and or town house connections.

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

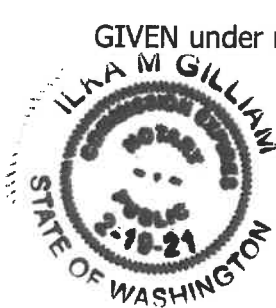
CB Development LLC



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 22<sup>nd</sup> 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.



GIVEN under my hand and official seal this 22<sup>nd</sup> day of August, 2018

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