INTERLOCAL 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 therefore 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 segment of right of way, the edge of which abuts the City limits of the City of West Richland (City), and said right of way which is legally described on exhibit "A" attached hereto and incorporated herein by reference (hereafter Right of Way); and,

WHEREAS, the City desires to annex and own the Right of Way and the County desires to transfer the Right of Way to the 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 the form attached hereto as Exhibit "B" revising the City's corporate boundary by authority of this agreement to include the Right of Way described on Exhibit "A".

2. County shall pass a Resolution 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 City Engineer 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 West Richland.

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. The parties agree that the revision to City's corporate boundary is not subject to review by the Benton County Boundary Review Board.

9. 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 City and County have approved it.

DATED: 6-18-07

COUNTY BY:

Seth M. Bowman
CHAIRMAN OF THE BENTON COUNTY BOARD OF COMMISSIONERS

ATTEST:

Connie McKee
CLERK OF THE BOARD

APPROVED AS TO FORM:

Kathleen B. Farquhar
SENIOR DEPUTY PROSECUTING ATTORNEY

DATED: 5-24-07

CITY BY:

Cheryl Ruchti
MAYOR

ATTEST:

Marie Richardson
CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY
EXHIBIT "A"

Legal Description Of Right Of Way To Be Annexed

Interlocal Annex Arena Road

May 21, 2007


THE RIGHT OF WAY LIMITS SHALL BE SHORTENED OR LENGTHENED TO TERMINATE AT THE EASTERLY RIGHT OF WAY OF DALLAS ROAD AND AT THE SOUTHERLY RIGHT OF WAY LINE OF KENNEDY ROAD.
CITY OF WEST RICHLAND
ORDINANCE NO. 19-07

AN ORDINANCE OF THE CITY OF WEST RICHLAND, WASHINGTON, REVISING THE CORPORATE BOUNDARY OF THE CITY OF WEST RICHLAND TO INCLUDE THAT PORTION OF ARENA ROAD BETWEEN DALLAS ROAD AND KENNEDY ROAD

WHEREAS, The City of West Richland and the County of Benton have agreed to enter into an Interlocal Agreement for the revision of the corporate boundary of the City of West Richland, a copy of which Agreement is attached hereto as exhibit "A" (hereinafter Interlocal Agreement); and

WHEREAS, the City of West Richland must pass an Ordinance to revise its corporate limits in compliance with the proposed Interlocal 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 within the City’s Urban Growth Area;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST RICHLAND, WASHINGTON, does ordain as follows:

Section 1. 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:

THE RIGHT OF WAY LIMITS SHALL BE SHORTENED OR LENGTHENED TO TERMINATE AT
THE EASTERLY RIGHT OF WAY OF DALLAS ROAD AND AT THE SOUTHERLY RIGHT OF
WAY LINE OF KENNEDY ROAD.

Section 2. 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 3. 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 4. This Ordinance shall become effective the latter of 5 days after passage and
publication as provided for by law or upon the effective date of the County
Resolution approving the revision of the Corporate Boundary of the City of
West Richland.

PASSED BY THE CITY COUNCIL OF THE CITY OF WEST RICHLAND,
WASHINGTON, this 21st day of May, 2007.

[Signature]
Dale E. Jackson, Mayor

ATTEST:

[Signature]
Julie Richardson, City Clerk

APPROVED AS TO FORM:

[Signature]
Terry M. Tanner, City Attorney
BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:
IN THE MATTER OF COUNTY ROADS, RE: INTERLOCAL AGREEMENT, CITY OF WEST RICHLAND - COUNTY OF BENTON, REVISION OF CORPORATE BOUNDARY

WHEREAS, Benton County is the owner of right of way adjacent to the City of West Richland commonly known as that portion of Arena Road between Dallas Road and Kennedy Road; and

WHEREAS, said right of way includes portions of Arena Road described below, 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 West Richland - 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 upon passage of this resolution and the City of West Richland's Ordinance _____-07, the corporate boundary of the City of West Richland is revised to include the real property described as follows:


THE RIGHT OF WAY LIMITS SHALL BE SHORTENED OR LENGTHENED TO TERMINATE AT THE EASTERLY RIGHT OF WAY OF DALLAS ROAD AND AT THE SOUTHERLY RIGHT OF WAY LINE OF KENNEDY ROAD.

Dated this __ day of June, 2007.
Lee M Bowman
Chairman

Clark R Elder
Chairman Pro-Tem

Mar E Bonney
Member

Constituting the Board of County Commissioners of Benton County, Washington