

When Recorded Return To:
City of West Richland
3801 W. Van Giesen
West Richland, WA 99353

07 401

**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

DATED: 5-24-07

COUNTY BY:

CITY BY:

Leo M. Boueman
CHAIRMAN OF THE BENTON COUNTY
BOARD OF COMMISSIONERS

Angie Deibel
MAYOR

ATTEST:

ATTEST:

Carrie McKee
CLERK OF THE BOARD

Juene Richardson
CITY CLERK

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Katherine B. Fitzgerald
SENIOR DEPUTY PROSECUTING ATTORNEY

[Signature]
CITY ATTORNEY

EXHIBIT "A"

Legal Description Of Right Of Way To Be Annexed

Interlocal Annex Arena Road

May 21, 2007

THAT PORTION OF ARENA ROAD RIGHT OF WAY LYING IN THE NE ¼ OF THE NW ¼ AND THE NW ¼ OF THE NE ¼ OF SECTION 20, AND THE SE ¼ OF THE SW ¼ AND THE SW ¼ OF THE SE ¼ OF SECTION 17, TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON.

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.

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3801 W. Van Giesen
West Richland, WA 99353


CITY OF WEST RICHLAN ORD 36.00 2007-016508
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05/25/2007 10:55A
Benton County


CITY OF WEST RICHLAN AGR 39.00 2007-020553
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06/26/2007 03:12P
Benton County

**CITY OF WEST RICHLAND
ORDINANCE NO. 19-07**

EXHIBIT "B"

**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:

THAT PORTION OF ARENA ROAD RIGHT OF WAY LYING IN THE NE ¼ OF THE NW ¼ AND THE NW ¼ OF THE NE ¼ OF SECTION 20, AND THE SE ¼ OF THE SW ¼ AND THE SW ¼ OF THE SE ¼ OF SECTION 17, TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON.

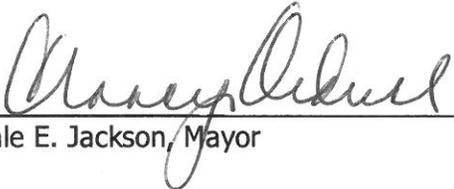
THE RIGHT OF WAY LIMITS SHALL BE SHORTENED OR LENGTHENED TO TERMINATE AT THE EASTERLY RIGHT OF WAY OF DALLAS ROAD AND AT THE SOUTHERLY RIGHT OF WAY LINE OF KENNEDY ROAD.

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.

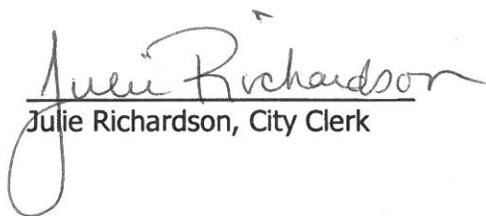
Section 3. SEVERABILITY. The provisions of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this ordinance 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.**


Dale E. Jackson, Mayor

ATTEST:


Julie Richardson, City Clerk

APPROVED AS TO FORM:

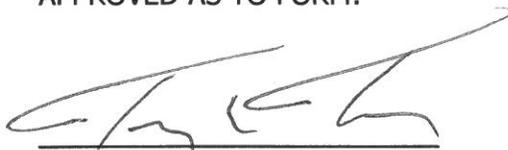

Terry M. Tanner, City Attorney

EXHIBIT "C"

RESOLUTION 07 401

**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:

THAT PORTION OF ARENA ROAD RIGHT OF WAY LYING IN THE NE ¼ OF THE NW ¼ AND THE NW ¼ OF THE NE ¼ OF SECTION 20, AND THE SE ¼ OF THE SW ¼ AND THE SW ¼ OF THE SE ¼ OF SECTION 17, TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON.

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 10 day of June, 2007.



2007-020553

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06/26/2007 03:12P

Benton County

Leo M. Bauman

Chairman

Clark L. Smith

Chairman Pro-Tem

Max E. Benitz

Member

Attest:

Carmel McKenzie

Clerk of the Board

Constituting the Board of County
Commissioners of Benton County,
Washington