

**CITY OF WEST RICHLAND
RESOLUTION NO. 39-23**

**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 developers/owners, 7HA Ventures LLC and Derek V. Alexander, wish to construct the capital improvements to the City's water system and deed over land for a future water reservoir in lieu of payment of a portion of the Water System Development Fee for the developer's proposed Watermark Subdivision on Benton County parcels #1-0197-300-0001-000 and 1-0197-300-0003-000; and

WHEREAS, the City was previously planning on constructing capital improvements to the City's water system and acquiring real property for a future water reservoir within the area of the Watermark Subdivision with said improvements and acquisition 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 7HA Ventures LLC and Derek V. Alexander.

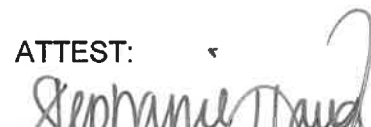
BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

PASSED BY THE CITY COUNCIL OF THE CITY OF WEST RICHLAND, WASHINGTON, this 20th day of June 2023.




Brent Gerry, Mayor

ATTEST:



Stephanie Haug, City Clerk

APPROVED TO FORM:



Jessica Foltz, City Attorney



WHEN RECORDED RETURN TO:

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

EXCISE TAX NOT REQUIRED
BENTON CO EXCISE TAX DEPT
BY _____ DEPUTY

7/11/23 Easement

**WATER SYSTEM DEVELOPMENT FEE
MITIGATION AGREEMENT
Plat of Watermark**

Benton County Parcel Nos. 1-0197-300-0001-000 and 1-0197-300-0003-000

THIS AGREEMENT is entered into this 21st day of June, 2023, by and between the **City of West Richland**, hereinafter referred to as the "City", and **7HA Ventures LLC and Derek V. Alexander**, 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) The Developer shall with Phase 1 of Watermark install approximately 960 linear feet of 12" PVC water main in Belmont Blvd within Phase 1 of the Plat of Watermark with associated gate valves, etc., as amended by the City Engineer. The credit received shall be based on the difference in the water main size between 12" main and the main required to service the development.
 - b) The Developer shall with Phase 1 of Watermark install approximately 1,210 linear feet of 12" PVC water main from Paradise Way to the proposed water reservoir location located within the Plat of Watermark with associated gate valves, etc., as amended by the City Engineer.
 - c) The Developer shall deed over approximately 1.50 acres of land to the City of West Richland for a future water reservoir within 30 days of recording of the final plat of Phase 1 of Watermark.
 - d) The Developer shall be responsible for grading the future water reservoir site, installing approximately 377 linear feet of concrete sidewalk, installing 16" reservoir overflow main, and installing approximately 724 linear feet of 8' masonry block wall along the property line with Phase 1 of Watermark, as amended by 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 \$502,598.27 (\$38,253.61 for item 1A, \$139,900.16 for item 1B, \$230,000 for item 1C (\$3.51/SF based on appraisal), and \$94,444.50 for item 1D).

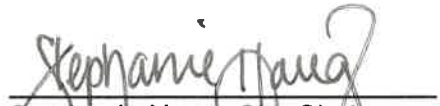
3) The City shall issue Developer a \$502,598.27 credit against the Water System Development Fee for the 198 lots in the Preliminary Plat of Watermark on Benton County Parcel Nos. 1-0197-300-0001-000 and 1-0197-300-0003-000 once the items in section 1 are completed and accepted by the City. The \$502,598.27 credit shall be applied as follows: 1) \$267,300 of the credit shall be applied to the developer's portion of the Water System Development Fee, \$1,350 for each of the 198 residential lots, fully mitigating the developer's portion for 198 residential lots in Watermark with no balance due and 2) \$235,298.27 of the credit shall be applied to the Water System Development Fee as a \$1,537.90 per lot credit applied at building permit issuance for each of the 153 residential lots (excluding the 45 lots in Phase 1). The remaining balance of Water System Development Fee for each lot shall be collected prior to the issuance of each building permit.

City of West Richland



Brent Gerry, Mayor

ATTEST:



Stephanie Haug, City Clerk

APPROVE TO FORM:




Jessica Foltz, City Attorney

PLAT OF WATERMARK
DEVELOPER



Harold Alexander, President 7HA Ventures LLC

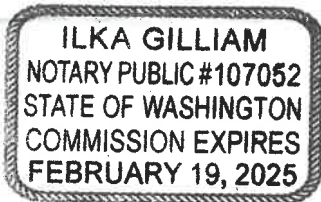


Derek V. Alexander, Individual

STATE OF WASHINGTON)
:SS
County of Benton)

On this day personally appeared before me **HAROLD ALEXANDER**, to me known to be President of 7HA VENTURES, 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 21st day of June, 2023.

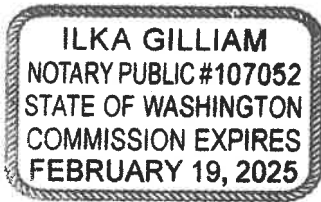


Ilka Gilliam
NOTARY PUBLIC in and for the State of Washington
residing at Kennewick WA
My Commission Expires: 2-19-2025

STATE OF WASHINGTON)
:SS
County of Benton)

On this day personally appeared before me **DEREK V. ALEXANDER**, to me known to be individual 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.

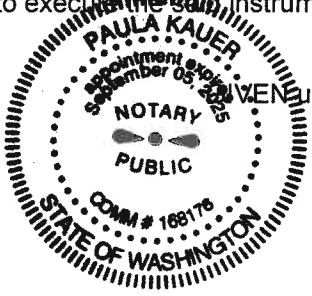
GIVEN under my hand and official seal this 21st day of June, 2023.



Ilka Gilliam
NOTARY PUBLIC in and for the State of Washington
residing at Kennewick WA
My Commission Expires: 2-19-2025

STATE OF WASHINGTON)
:SS
County of Benton)

On this day personally appeared before me **BRENT GERRY**, to me known to be the Mayor of the City of West Richland, 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 the City of West Richland.



GIVEN under my hand and official seal this 21st day of June, 2023.

Paula Kauer
NOTARY PUBLIC in and for the State of Washington
residing at Benton City, WA
My Commission Expires: 9/5/25