

RESOLUTION NO. 63-20

**A RESOLUTION OF THE CITY OF WEST RICHLAND, WASHINGTON,
AUTHORIZING THE MAYOR TO SIGN AND EXECUTE A
TRANSPORTATION IMPACT FEE MITIGATION AGREEMENT AND
REPEAL RESOLUTIONS 37-18 AND 35-05.**

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; 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 Transportation Impact Fee Mitigation Agreement as shown in exhibit 'A'.

Section 2. Resolutions 37-18 and 35-05 are hereby repealed.

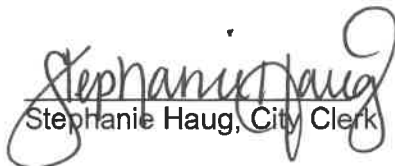
BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

PASSED BY THE CITY COUNCIL OF THE CITY OF WEST RICHLAND, WASHINGTON, this 20th day of October, 2020.



Brent Gerry, Mayor

ATTEST:



Stephanie Haug, City Clerk

APPROVED TO FORM:



Bronson Brown, City Attorney

**TRANSPORTATION IMPACT FEE
MITIGATION AGREEMENT**

THIS AGREEMENT is entered into this 26th day of October, 2020, by and between the **City of West Richland**, Hereinafter referred to as the "City", and Cedar Ridge Development LLC, Columbia Ridge Construction & Development Inc., Mitchell Creer 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 Transportation Impact Fee Mitigation Agreement dated November 6, 2018 by and between the City of West Richland, referred to as the "City" and Cedar Ridge Development LLC and CB Group LLC, collectively referred to as the "Developer" is hereby null and void.
- 2) The Transportation Impact Fee Mitigation Agreement dated November 8, 2005 by and between the City of West Richland, referred to as the "City" and Allied Activities, Inc. referred to as the "Landowner" is hereby null and void.
- 3) 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) 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).
 - b) 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).
 - c) Dedication of approx. 98,025 square feet of road right-of-way located within the NW1/4 of the SW1/4 of Section 1, T 9 N, R 27 E, W.M. for Paradise Way. Statutory Warranty Deed recorded on 11/08/2005 (AFN 2005-038745).
 - d) Developer shall construct Paradise Way Phase 5 (SR 224 to Keene Road) per the approved plans dated August 27, 2020, as amended by the City Engineer.

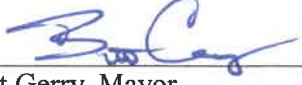
4) The City and the Developer agrees that the total credit value for the aforementioned items in section 3 is estimated to be \$358,105 (\$38,796 for item 3d, \$287,809 for items 3a & 3b per Resolution 37-18, and \$31,500 for item 3c per Resolution 35-05 recorded with Benton County AFN# 2005-038738).

5) The City shall issue the Developer a \$358,105 credit against the Transportation Impact Fee as follows:

- (a) The City shall issue the Developer a Transportation Impact Fee credit of \$18,841.55 for Lots 2, 3, 6, 7, 13, 14, 15, 16, 17, 18, 20, 25, and 27 of the Plat of Western Ridge Phase 1. The Transportation Impact Fee shall be considered fully mitigated for said lots with no balance remaining for the 13 single family residential homes/townhouses once the items in Section 3 are completed by the Developer.
- (b) The City shall issue the Developer a Transportation Impact Fee credit of \$43,480.50 for Lots 1 thru 13 and Lots 15 thru 31 of the Plat of Western Ridge Phase 2. The Transportation Impact Fee shall be considered fully mitigated for said lots with no balance remaining for the 30 single family residential homes / townhouses once the items in Section 3 are completed by the Developer.
- (c) The City shall issue the Developer a Transportation Impact Fee credit of \$17,220 for Lot 33 of the Plat of Western Ridge Phase 2. The Transportation Impact Fee shall be considered fully mitigated with no balance remaining for 20 multi-family residential units once the items in Section 3 are completed by the Developer.
- (d) The City shall issue the Developer a Transportation Impact Fee credit of \$5,166 for Lot 34 of the Plat of Western Ridge Phase 2. The Transportation Impact Fee shall be considered fully mitigated with no balance remaining for 6 multi-family residential units once the items in Section 3 are completed by the Developer.
- (e) The City shall issue the Developer a Transportation Impact Fee credit of \$37,884.00 for Benton County Parcel No. 1-0197-300-0005-000 (located at the NW corner of the intersection of Paradise Way and SR 224). The Transportation Impact Fee shall be considered fully mitigated with no balance remaining for 44 multi-family residential units once the items in Section 3 are completed by the Developer.
- (f) The City shall issue the Developer a Transportation Impact Fee credit of \$46,379.20 for Lots 7 thru 38 of the Plat of Eagle Point. The Transportation Impact Fee shall be considered fully mitigated with no balance remaining for 32 single family residential homes / townhomes once the items in Section 3 are completed by the Developer.
- (g) The City shall issue the Developer a Transportation Impact Fee credit of \$2,898.70 for Lot 1 of the Plat of Eagle Point. The Transportation Impact Fee shall be considered fully mitigated with no balance remaining for a single residential duplex once the items in Section 3 are completed by the Developer.
- (h) The City shall issue the Developer a Transportation Impact Fee Credit of \$2,898.70 for Lot 2 of the Plat of Eagle Point. The Transportation Impact Fee shall be considered fully mitigated with no balance remaining for a single residential duplex once the items in Section 3 are completed by the Developer.

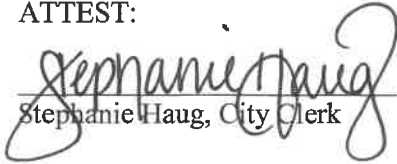
- (i) The City shall issue the Developer a Transportation Impact Fee Credit of \$6,888.00 for Lots 3 and 4 of the Plat of Eagle Point. The Transportation Impact Fee shall be considered fully mitigated with no balance remaining for 8 multi-family residential units once the items in Section 3 are completed by the Developer.
- (j) The City shall issue the Developer a Transportation Impact Fee credit of \$5,797.40 for Lots 5 and 6 of the Plat of Eagle Point. The Transportation Impact Fee shall be considered fully mitigated with no balance remaining for two single residential duplexes once the items in Section 3 are completed by the Developer.
- (k) The City shall issue the Developer a Transportation Impact Fee credit of \$3,147.23 for Benton County Parcel No. 1-0197-300-0006-000 (located at SW corner of the intersection of Paradise Way and SR 224) to be applied to future development on this parcel once the items in Section 3 are completed by the Developer.
- (l) The City shall issue the Developer a Transportation Impact Fee credit of \$3,147.24 for Benton County Parcel No. 1-0197-300-0007-000 (located at the SE corner of the intersection of Paradise Way and SR 224) to be applied to future development on this parcel once the items in Section 3 are completed by the Developer.
- (m) The City shall issue the Developer a Transportation Impact Fee credit of \$72,390.48 for Benton County Parcel No. 1-0297-100-0001-015 (parcel has pending short plat application – credit would be issued to proposed Lot 3 of said short plat). Per Section 5.3 of the Red Mountain Center Development Traffic Impact Analysis dated January 21, 2020, utilizing \$1,642.25 of required mitigation per peak pm trip (\$1,625.83 per single family residential home / townhouse and \$919.66 per multi-family residential unit), the Transportation Impact Fee shall be considered fully mitigated with no balance remaining for 40 single family residential homes / townhomes and 8 multi-family residential units once the items in Section 3 are completed by the Developer.
- (n) The City shall issue the Developer a Transportation Impact Fee Credit of \$45,983.00 for Benton County Parcel No. 1-0297-100-0001-015 (parcel has a pending short plat application – credit would be issued to proposed Lot 1 of said short plat). Per Section 5.3 of the Red Mountain Center Development Traffic Impact Analysis dated January 21, 2020, utilizing \$1,642.25 of required mitigation per peak pm trip (\$919.66 per multi-family residential unit), the Transportation Impact Fee shall be considered fully mitigated with no balance remaining for 50 multi-family residential units once the items in Section 3 are completed by the Developer.
- (o) The City shall issue the Developer a Transportation Impact Fee Credit of \$45,983.00 for Benton County Parcel No. 1-0297-100-0001-015 (parcel has pending short plat application – credit would be issued to proposed Lot 2 of said short plat). Per Section 5.3 of the Red Mountain Center Development Traffic Impact Analysis dated January 21, 2020, utilizing \$1,642.25 of required mitigation per peak pm trip (\$919.66 per multi-family residential unit), the Transportation Impact Fee shall be considered fully mitigated with no balance remaining for 50 multi-family residential units once the items in Section 3 are completed by the Developer.

City of West Richland



Brent Gerry, Mayor

ATTEST:



Stephanie Haug, City Clerk

APPROVE TO FORM:



Bronson Brown, City Attorney

Cedar Ridge Development LLC



Britt Creer, President

CB Group LLC



Britt Creer, President

Columbia Ridge Construction & Development Inc.



Britt Creer, President

Mitchell Creer LLC



Britt Creer, President

STATE OF WASHINGTON)

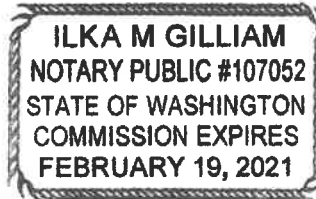
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County of Benton)

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 26th day of October, 2020

NOTARY PUBLIC in and for the State of Washington residing at Kennewick
My Commission Expires: 2-19-2021



STATE OF WASHINGTON)

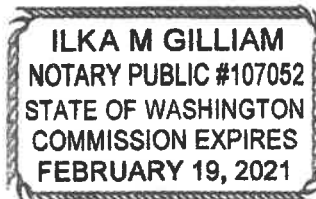
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County of Benton)

On this day personally appeared before me BRITT CREER, to me known to be President of CB GROUP, 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 26th day of October, 2020

NOTARY PUBLIC in and for the State of Washington residing at Kennewick
My Commission Expires: 2-19-2021



STATE OF WASHINGTON)

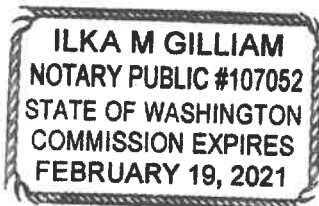
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County of Benton)

On this day personally appeared before me BRITT CREER, to me known to be President of MITCHELL CREER, 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 26th day of October, 2020

NOTARY PUBLIC in and for the State of Washington residing
at Kennewick
My Commission Expires: 2-19-2021



STATE OF WASHINGTON)

:SS

County of Benton)

On this day personally appeared before me BRITT CREER, to me known to be President of COLUMBIA RIDGE CONSTRUCTION & DEVELOPMENT, INC., Washington State corporation 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 corporation.

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