



CONTRACT NO. 191-18

Return Name and Address:  
City Clerk's Office  
City of Richland  
625 Swift Blvd. MS-05  
Richland, WA 99352

PLEASE PRINT OR TYPE INFORMATION:

<b>Document Title:</b> Third Amendment to Interlocal Cooperative Agreement Between City of Richland and The Port of Kennewick, Washington Related to Columbia Park Trail Improvements
<b>Grantor(s)</b> (Last name first, first name, middle initials):  1. Port of Kennewick 2. 3. 4. Additional names on page _____ of document.
<b>Grantee(s)</b> (Last name first, first name, middle initials):  1. City of Richland 2. 3. 4. Additional names on page _____ of document.
<b>Legal description</b> (abbreviated: i.e., lot, block, plat or section, township, range, qtr./qtr.)  Additional legal is on page _____ of document.
<b>Reference Number(s)</b> of documents assigned or released: Originally Recorded - 2018-020333 AGR Last Recorded - 2019-008516 AMD Additional numbers on page _____ of document.
<b>Assessor's Property Tax Parcel/Account Number:</b> <u>(MUST HAVE 15 DIGITS)</u>  Property Tax Parcel ID is not yet assigned. Additional parcel numbers on page _____ of document.
<b>The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information.</b>

**Third Amendment to  
Interlocal Cooperative Agreement  
Between  
City Of Richland  
And  
The Port of Kennewick, Washington  
Re: Columbia Park Trail Improvements**

This **Third Amendment** to the June 25, 2018 Interlocal Agreement for Columbia Park Trail Improvements (hereinafter "Original Agreement") is made and entered into on this 19<sup>th</sup> day of February, 2020, by and between the **City of Richland**, a Washington municipal corporation ("City"), and the Port of Kennewick, Washington, a political subdivision of the State of Washington ("Port").

**I. Recitals**

**WHEREAS**, the City and the Port entered into an interlocal agreement on June 25, 2018 with respect to Columbia Park Trail Improvements (*see* Richland Contract No. 191-18); and

**WHEREAS**, the Original Agreement has been amended on two separate occasions to extend the deadline for project completion; and

**WHEREAS**, the Original Agreement included provisions that would provide the Port an opportunity to seek rural county capital funds from Benton County to assist in funding the project; and

**WHEREAS**, the Port has since determined that additional funding from Benton County or another funding partner is not warranted for this project.

**NOW THEREFORE**, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the Port hereby agree as follows:

**II. Agreement**

1. Section 3. Funding is modified as follows:

Section 3. Funding: The Port of Kennewick hereby commits to provide funding as set forth below:

- (a) \$800,000 to fund contract work, including engineering design, construction, and construction contract administration for the Columbia Park Trail Improvements. This funding shall be applied first to relocation of existing overhead cabled utility lines into an underground system, and second to other roadway improvement features. The Port's funds will be provided when invoiced by Richland and on a reimbursable basis for actual work performed in not more than three (3) installments at times mutually agreed to by the Parties.


- i. Under no circumstance shall the Port's funding obligations increase beyond the \$800,000 identified herein for the Columbia Park Trail Improvements.
  - ii. ~~The Port's commitment is subject to a successful application, and separate trilateral agreement with Benton County and the City under the Benton County Rural County Capital Fund. In the event an agreement with Benton County and the City is not reached within 120 days of the effective date of this Agreement, then the Jurisdictions agree to:~~
    - a. ~~Negotiate an amendment to this agreement around a feasible funding partnership for the project; or~~
    - b. ~~Terminate this agreement related to the Columbia Park Trail Improvements Project.~~
- (b) \$85,000 to fund the upgrades to the Spaulding Business Park street lighting system. These funds shall be reimbursed within (30) calendar days of the city delivering an invoice to the Port once the project is completed, which shall be no later than December 31, 2019.

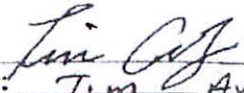
- 2. Except as expressly amended and modified by this Amendment, the Original Agreement is and shall continue to be in full force and effect in accordance with the terms thereof.
- 3. This Amendment shall be construed in accordance and governed by the laws of the state of Washington.
- 4. The headings contained in this Amendment are for ease of reference only and shall not be considered in construing this Amendment.

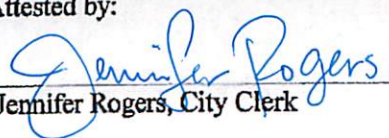
IN WITNESS WHEREOF, the Parties have executed this Third Amendment on the date first identified above.

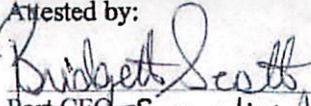
CITY OF RICHLAND

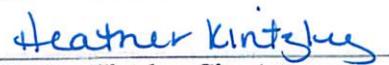
PORT OF KENNEWICK


  
 Cynthia D. Reents, City Manager

  
 By: Tim Anstren  
 Its: CEO

Attested by:  
  
 Jennifer Rogers, City Clerk

Attested by:  
  
 Port CEO Bridget Scott  
 Executive Assistant

Approved as to form:  
  
 Heather Kintzley, City Attorney

Approved as to form:  
  
 Lucinda Luke, Port Attorney

**RESOLUTION NO. 30-20**

**A RESOLUTION of the City of Richland authorizing a Third Amendment to the Interlocal Agreement with the Port of Kennewick for the Columbia Park Trail Improvements Project.**

**WHEREAS, there is now in full force and effect between the City of Richland and the Port of Kennewick ("the Port") an interlocal agreement, Contract No. 191-18, to make certain improvements to Columbia Park Trail, and to replace the street lights in the Port's Spaulding Business Park (the "Original Agreement"); and**

**WHEREAS, pursuant to Resolution No. 157-15, authority to enter into or amend interlocal agreements resides with the City Council unless such authority is delegated by the terms of the agreement to a designated representative of the City; and**

**WHEREAS, on October 2, 2018, Richland City Council adopted Resolution No. 141-18, amending the Original Agreement to extend the time allowed to execute the street light replacement work; and**

**WHEREAS, on March 5, 2019, Richland City Council adopted Resolution No. 29-19, amending the Original Agreement to further extend the time allowed to execute the work as described in the Original Agreement; and**

**WHEREAS, the Original Agreement included provisions that would provide the Port an opportunity to seek rural county capital funds from Benton County to assist in funding the project; and**

**WHEREAS, the Port has determined that funding from Benton County or another funding partner is not warranted for this project because the Port intends to fulfill its funding commitment under the Original Agreement from its own revenues; and**

**WHEREAS, a Third Amendment to the Interlocal Agreement with the Port of Kennewick is required to bring the Original Agreement into alignment with the current intent of the Parties.**

**NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager is authorized to execute a Third Amendment to the Interlocal Agreement with the Port of Kennewick as described herein.**

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

*This space intentionally left blank.*


ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 18<sup>th</sup> day of February, 2020.

  
Ryan Lukson, Mayor

Attested by:

  
Jennifer Rogers, City Clerk

Approved as to form:

  
Heather Kintzley, City Attorney