

**Interlocal Agreement between the Port of Centralia and
the City of Centralia
Related to Brotherson Road Vacation**

This agreement, by and between the City of Centralia a Washington Municipal Corporation (herein referred to as the "City") and the Port of Centralia a Washington Municipal Corporation (herein referred to as the "Port") and collectively referred to as the "Parties" is entered into pursuant to the Authority granted in Chapter 39.34.80 RCW.

WHEREAS, the City of Centralia is organized under the laws of Chapter 35A RCW pursuant to which it has the authority to vacate public roads and to accept by dedication lands for public roads within the City; and

WHEREAS, the Port of Centralia is organized under the laws of Title 53 RCW and specifically Chapters 53.08, 53.20 and 53.25 dealing with improvements and pursuant to such authority has the authority to acquire and develop lands and related transportation and utility infrastructure for commercial and industrial purposes within the Port District; and

WHEREAS, pursuant to the exercise of those authorities the Port is in the process of developing Centralia Station along Long Road within the City of Centralia for purposes of expanding commercial opportunities within the Port District; and

WHEREAS, as part of developing Centralia Station, the Port has proposed to reconfigure roadways within the boundary of Park 3 (as may be changed through the regulatory and contracting process) as depicted in Exhibit A;

WHEREAS, as part of this reconfiguration, the Port has requested that the City vacate that portion of Brotherson Road as depicted in Exhibit A; and

WHEREAS, Chapter 35.79 RCW grants authority to the City of Centralia to vacate streets by ordinance; and

WHEREAS, the City has agreed to grant the requested vacation of Brotherson to the Port without the payment of compensation provided that the Port dedicates to the City within 5 years from the date of the vacation approval other lands for right of way purposes to serve Centralia Station and the surrounding areas;

NOW THEREFORE, the Parties do agree as follows:

I. Effective Date of Street Vacation Ordinance. After adoption by City Council, the street vacation ordinance shall become effective pursuant to the provisions of the Centralia Municipal Code without requiring an appraisal or compensation by the Port.

II. Alternative Compensation. In lieu of providing an appraisal and financial compensation, the Port may, in its sole discretion, dedicate public right-of-way for streets to the City at no cost. The dedicated public right-of-way shall provide for expansion of the City's

street network and comply with adopted City plans and standards. The dedicated right-of-way shall be of equal or greater area than the vacated Brotherson Road, which is approximately 16,800 square feet. If the area of dedicated right-of-way is greater than the vacated Brotherson Road, the Port shall not request or be eligible for compensation by the City.

III. Timing. Within five (5) years of the effective date of the street vacation ordinance or at the time the expanded street network improvements is accepted by the City if earlier, the Port shall provide to the City either an appraisal and compensation, or alternative compensation as described in Section II. The appraisal shall be prepared by an appraiser licensed in the State of Washington. The fair market value of the vacated Brotherson Road shall be determined based upon on the fair market value and condition of the vacated street as of the effective date of the street vacation ordinance.

IV. Term of Agreement. This Agreement shall commence upon completion of the required signatures hereon, and run for a period of five years.

V. Cooperation and Dispute Resolution. The Parties hereto pledge to administer this Agreement in a cooperative spirit and to attempt to resolve disputes informally through discussion. If disputes should arise that are not capable of informal resolution, the Parties shall seek binding arbitration prior to going to court. Arbitration shall be by a panel of three arbitrators with expertise in land use and environmental law, one arbitrator to be chosen by each Party and the third chosen by the other two arbitrators and with the cost of arbitration to be shared by the Parties.

VI. Amendments to this Agreement. Amendments to any provision of this agreement must be presented in strikethrough and underline format, approved by both Parties by their signatures thereon, and subsequently attached to this Agreement.

IN WITNESS WHEREOF, this agreement was executed by the parties on the date first herein above recited.

CITY OF CENTRALIA,
WASHINGTON
a municipal corporation


Robert D. Hill, City Manager

PORT OF CENTRALIA,
WASHINGTON
a municipal corporation


Kyle Heaton, Executive Director

**CITY OF CENTRALIA
RECORD OF COUNCIL PROCEEDINGS
Tuesday - October 9, 2018 - 7:00 pm**

Mayor Coumbs called the meeting to order at 7:00 pm.

Pledge of Allegiance

Lewis County Commissioner Stamper led the pledge of allegiance.

Attendance

Present: Mayor Coumbs, Mayor Pro-Tem Vogt, Councilor Staebler, Councilor Abbarno, Councilor McGee and Councilor Luond.

Absent: Councilor Barnes.

1. Approval of Agenda - As Presented

COUNCILOR ABBARNO MOVED, SECONDED BY COUNCILOR MCGEE, TO APPROVE THE AGENDA AS PRESENTED..motion PASSED...6-0.

2. Comments by the Public on Non Agenda Items

Stacy and John Kaech, Centralia, addressed the Council and spoke on illegal issues taking place at the access area of the Discovery Trail on Goodrich Road.

Peter Lahmann, Centralia, addressed the Council and invited them to a memorial for Margaret Shields at the Historic Museum at 5:00 pm on October 12th.

Susan Faubion, library, addressed the Council and spoke on the funding issues Timberland Regional Libraries are facing.

3. Presentations
 - a. Lewis County Update

Commissioner Stamper addressed the Council and spoke on two Chehalis River Basin Environmental Impact Statement meetings being held by Ecology and the US Army Corps of Engineers on October 16th and October 17th.

4. Reports

Cameron McGee - announced the Young Professionals of Lewis County meeting would be October 10th at 5:00 pm at the Tiki Tap House.

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6. Consideration of a lease agreement with the Centralia Community Foundation for the use of office space at the Train Depot

COUNCILOR ABBARNO MOVED, SECONDED BY COUNCILOR MCGEE, TO APPROVE A LEASE AGREEMENT WITH THE CENTRALIA COMMUNITY FOUNDATION FOR THE USE OF OFFICE SPACE AT THE TRAIN DEPOT....motion PASSED...6-0.

7. Consideration of a lease agreement with Sentry Athletics LLC for the use of a portion of the Parks building at 902 Johnson Rd

COUNCILOR ABBARNO MOVED, SECONDED BY COUNCILOR MCGEE, TO APPROVE A LEASE WITH SENTRY ATHLETICS LLC FOR THE USE OF A PORTION OF THE PARKS BUILDING AT 902 JOHNSON RD...motion PASSED...6-0.

8. Consideration of an Interlocal Agreement with the Port of Centralia for the Brotherson Road vacation

COUNCILOR ABBARNO MOVED, SECONDED BY COUNCILOR MCGEE, TO APPROVE AN INTERLOCAL AGREEMENT WITH THE PORT OF CENTRALIA RELATED TO THE BROTHERSON ROAD VACATION AND AUTHORIZE THE CITY MANAGER TO SIGN SAID AGREEMENT...motion PASSED...6-0.

9. Consideration on first reading of an ordinance amending the Zoning Map and Text

COUNCILOR ABBARNO MOVED, SECONDED BY COUNCILOR MCGEE, TO APPROVE ON FIRST READING AN ORDINANCE AMENDING THE CMC TITLE 20 ZONING BY AMENDING SECTION 20.06.285 ENTITLED DWELLING, MULTIPLE-FAMILY; AND SECTION 20.09.020 ZONING MAP AND REPEALING THOSE SECTIONS IN CONFLICT HEREWITH...motion PASSED...6-0.

10. Closed Session to discuss Collective Bargaining - not subject to OPMA pursuant to RCW 42.30.140(4).

COUNCILOR ABBARNO MOVED, SECONDED BY COUNCILOR MCGEE, TO GO INTO CLOSED SESSION TO DISCUSS COLLECTIVE BARGAINING - NOT SUBJECT TO OPMA PURSUANT TO RCW 42.30.140(4)...motion PASSED...6-0.