

CONTRACT NO. 191-18

**FIRST ADDENDUM TO THE  
INTERLOCAL AGREEMENT WITH THE CITY OF RICHLAND  
RELATED TO THE COLUMBIA PARK TRAIL IMPROVEMENTS**

1. **AGREEMENT ADDENDUM.** This First Addendum (1<sup>st</sup> Addendum) to the Interlocal Agreement regarding the Columbia Park Trail Improvements and Spaulding Business Park is between the Port of Kennewick "Port" and the City of Richland "City". The City and Port are Washington Municipal corporations and each a "Party", and collectively the "Parties," to this 1<sup>st</sup> Addendum. The Parties agree as follows.

2. **RECITALS.**

2.1 The Agreement became effective on June 26, 2018.

2.2 It is the purpose of this 1<sup>st</sup> Addendum to amend the Agreement to extend the deadlines.

2.3 Except as otherwise stated in this 1<sup>st</sup> Addendum, the Agreement remains in full force and effect.

3. **SECTION 3. FUNDING**

Section 3 is amended to read 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 by December 31, 2018, then the Jurisdictions agree to:
    - a. Negotiate an amendment to this agreement around a feasible funding partnership for the project; or

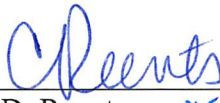
b. Terminate this agreement related to the Columbia Park Trail Improvements Project.

(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 and the project is completed, which shall be no later than December 31, 2018.

IN WITNESS WHEREOF, the Parties have signed this 1<sup>st</sup> Addendum on the dated below shown.

  
\_\_\_\_\_  
Tim Arntzen  
Chief Executive Officer  
Port of Kennewick

8/29/18  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Cynthia D. Reents  
City Manager  
City of Richland

10/8/18  
\_\_\_\_\_  
Date

RESOLUTION NO. 141-18

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

WHEREAS, on June 25, 2018, the City of Richland ("City") and the Port of Kennewick ("Port") entered into an interlocal agreement (Richland 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; 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, Richland Contract No. 191-18 (the "Agreement") does not include delegation of authority language; and

WHEREAS, the Parties wish to extend the time allowed to execute the street light replacement work; and

WHEREAS, in order to extend time for performance, the Parties agree to execute a First Amendment to the Agreement with the Port of Kennewick.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager is authorized to execute a First Amendment to the June 25, 2018 Interlocal Agreement with the Port of Kennewick for the purpose of extending the performance period to replace the Spaulding Business Park street lights.

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

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 2<sup>nd</sup> day of October, 2018.

  
ROBERT J. THOMPSON  
Mayor

ATTEST:

  
MARCIA HOPKINS, City Clerk

APPROVED AS TO FORM:

  
HEATHER KINTZLEY, City Attorney