

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

RESOLUTION

NO.: 2013- 013

**Authorizing The Ellensburg Business Development Authority to Operate in
Ellensburg's Urban Growth Area.**

WHEREAS, the Ellensburg Business Development Authority (“EBDA”) is a public development authority created by the City of Ellensburg under Title 35.21 RCW and Ellensburg Ordinance No. 3895, as amended; and

WHEREAS, the EBDA’s primary purpose is dedicated to promoting economic development projects within the territorial limits of the CITY OF ELLENSBURG and outside the territorial limits of the CITY OF ELLENSBURG to the extent authorized by RCW 35.21.740; and

WHEREAS, RCW 35.21.740 provides that the powers, authorities or rights of any public development authority created by the CITY OF ELLENSBURG shall not be operable or applicable, or have any effect beyond the limits of the incorporated area of the CITY OF ELLENSBURG implementing RCW 35.21.730 through RCW 35.21.755, unless so provided by contract between the CITY OF ELLENSBURG and another city, town or county; and

WHEREAS, the EBDA is contemplating participating in projects outside the territorial limits of the CITY OF ELLENSBURG for the purpose of economic development and job creation; and

WHEREAS, the parties hereto do now desire to enter into an agreement as authorized by RCW 35.21.740 in order to allow the EBDA to operate outside the limits of the incorporated area of the CITY OF ELLENSBURG and within the territorial limits of KITTITAS COUNTY;

NOW, THEREFORE BE IT RESOLVED:

1. To authorize the chairman’s signature on an interlocal agreement authorizing the EBDA to operate in the Ellensburg urban growth area, a copy of which is attached hereto as Exhibit “A.”

ADOPTED this 23rd day of January 2013.

**BOARD OF COUNTY COMMISSIONERS
KITITAS COUNTY, WASHINGTON**



Obie O'Brien, Chairman



Commissioner



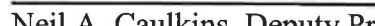
Commissioner



CLERK OF THE BOARD


Julie A. Kjorsvik

APPROVED AS TO FORM:


Neil A. Caulkins, Deputy Prosecuting Attorney
(WSBA#31759)

**INTERLOCAL AGREEMENT BETWEEN
KITTITAS COUNTY AND THE CITY OF ELLENSBURG
REGARDING THE ELLENSBURG BUSINESS DEVELOPMENT AUTHORITY'S
TERRITORIAL JURISDICTION**

THIS IS AN AGREEMENT entered into this 23rd day of January, 2013, between the CITY OF ELLENSBURG, a municipal corporation of the State of Washington, hereinafter referred to as the "CITY OF ELLENSBURG", and the COUNTY OF KITTITAS, a political subdivision of the State of Washington, hereinafter referred to as "KITTITAS COUNTY".

WHEREAS, the Ellensburg Business Development Authority ("EBDA") is a public development authority created by the City of Ellensburg under Title 35.21 RCW and Ellensburg Ordinance No. 3895, as amended; and

WHEREAS, the EBDA's primary purpose is dedicated to promoting economic development projects within the territorial limits of the CITY OF ELLENSBURG and outside the territorial limits of the CITY OF ELLENSBURG to the extent authorized by RCW 35.21.740; and

WHEREAS, RCW 35.21.740 provides that the powers, authorities or rights of any public development authority created by the CITY OF ELLENSBURG shall not be operable or applicable, or have any effect beyond the limits of the incorporated area of the CITY OF ELLENSBURG implementing RCW 35.21.730 through RCW 35.21.755, unless so provided by contract between the CITY OF ELLENSBURG and another city, town or county; and

WHEREAS, the EBDA is contemplating participating in projects outside the territorial limits of the CITY OF ELLENSBURG for the purpose of economic development and job creation; and

WHEREAS, the parties hereto do now desire to enter into an agreement as authorized by RCW 35.21.740 in order to allow the EBDA to operate outside the limits of the incorporated area of the CITY OF ELLENSBURG and within the territorial limits of KITTITAS COUNTY;

NOW THEREFORE, the CITY OF ELLENSBURG and KITTITAS COUNTY hereby mutually agree as follows:

1. Territorial Jurisdiction. The powers, authorities or rights expressly or impliedly granted to the CITY OF ELLENSBURG, and relating to the EBDA, under any provision of RCW 35.21.730 through RCW 35.21.755, shall be operable, applicable and shall have effect within the territorial incorporated limits of Ellensburg. It is further understood and agreed that said powers, authorities and rights shall be operable, applicable and effective as to the areas outside the CITY OF ELLENSBURG's incorporated limits and within the territorial limits of KITTITAS COUNTY known as the Urban Growth Area of Ellensburg as outlined in the City of Ellensburg's Comprehensive Plan as long as the projects are related to economic development and job creation. The CITY OF ELLENSBURG and

the EBDA shall be authorized and empowered to act within the provisions of RCW 35.21.730 through .755, CITY OF ELLENSBURG Ordinance No. 3895, as amended, and the Charter of the EBDA, as amended.

2. Duration. The term of this agreement shall terminate upon the termination of the existence of the Ellensburg Business Development Authority.

3. Code Compliance. It is agreed that the Ellensburg Business Development Authority shall comply with all CITY OF ELLENSBURG codes, ordinances, laws and regulations while operating inside the City's territorial limits and shall comply with all KITTITAS COUNTY codes, ordinances, laws and regulations while operating outside the City's territorial limits.

4. Administration of Agreement. No new or separate legal or administrative entity is created to administer the provisions of this agreement.

5. Amendment. This agreement may be amended by mutual written agreement of the parties hereto.

6. Mandatory Disclaimers. The Ellensburg Business Development Authority is a public development authority organized pursuant to Ordinance No. 3895 of the City of Ellensburg as amended, and the laws of the State of Washington, RCW 35.21.730 through RCW 35.21.759. RCW 35.21.750 provides as follows: "All liabilities incurred by such public corporation, commission or authority shall be satisfied exclusively from the assets and properties of such public corporation, commission or authority and no creditor or other person shall have any right of action against the town, town or county creating such corporation, commission or authority on account of any debt, obligations or liabilities of such public corporation, commission or authority."

7. Filing. This Agreement shall be filed with the Kittitas County Auditor, as required by RCW 39.34.040.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date first written above.

CITY OF ELLENSBURG



Bruce Tabb, Mayor

KITTITAS COUNTY



Obie O'Brien, Chair



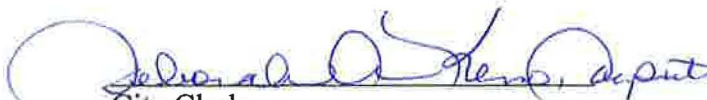
Commissioner



Commissioner

Attest:

Attest:




City Clerk




Clerk of the Board

Approved as to form:

Approved as to form:



City Attorney



Prosecuting Attorney