

TO: City Council
FROM: Lisa Parks, City Administrator
DATE: July 9, 2024
SUBJECT: Intergovernmental Agreement Between the City of Tumwater and the Confederated Tribes of the Chehalis Reservation

1) Recommended Action:

Place the Intergovernmental Agreement Between the City of Tumwater and the Confederated Tribes of the Chehalis Reservation on the July 16, 2024, City Council consent calendar with a recommendation to approve and authorize the Mayor to sign.

2) Background:

The Chehalis Tribe is purchasing property at Exit 99 of I-5 located on 93rd Avenue SW. The property is currently owned by the Kaufman Real Estate, LLC and was platted in 2022 as the "I-5 Commerce Place". The property is just shy of 38 acres, consisting of 12 lots varying in size from 1 to 4 acres, and including 4 separate "Tracts" that cover approximately 6.5 acres to accommodate required stormwater facilities, open space and tree preservation areas. A copy of the recorded plat is included as Exhibit B to the Interlocal Agreement, which is attached to this staff report.

The Tribe intends to place the property into trust and assume jurisdiction, and in so doing, has a preference to vacate the plat, the public road right of way (although the road itself will remain), and to terminate the Covenants, Conditions and Restrictions that were required of, and recorded with, the final plat. Over the past several months, a city staff team has been meeting with the Tribe to identify the necessary steps to accomplish the Tribe's goals and intentions, and this Intergovernmental Agreement is the result of that collaboration. It sets forth the obligations and expectations of the City and the Tribe related to purchase and development of the property by the Tribe. Below is a summary of each party's obligations and responsibilities currently proposed in the agreement.

In the agreement, the City's obligations include:

- Facilitating a plat vacation process;
- Review and cooperate with the Tribe regarding relocation of the road and any/all utilities and easements;
- To plan for and address transportation infrastructure deficiencies and solutions, and to include the Tribe in the Interchange Study. Both parties also recognize there may need to be separate agreements for projects to address deficiencies, including to identify funding and construction of improvements prior to generation of new traffic associated with future development of the property; and
- To cooperate in modifying or extinguishing the stormwater maintenance agreement, keeping in mind whether or not there may be continuing public use of the stormwater facilities.

The Tribe's obligations include:

- Taking the necessary steps to initiate and conclude the plat vacation process;

- Acknowledging their ownership and responsibility for maintaining the existing road;
 - To cooperate with the City and State agencies in deciding if relocation of the road and/or utilities may be necessary, and to pay the cost of such a move if needed;
 - Acknowledging the easements that currently exist;
 - Recognizing that, in vacating the public right of way, State law requires 50% of the value of that right of way be paid to the City, which may be satisfied through potential future property dedications;
 - Acknowledging the effects of vacating the plat and the care that needs to be taken in doing so; and
 - Acknowledging and agreeing to address roadway safety and concurrency issues related to their development that are above and beyond those projected from the original Kaufman project.
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3) Policy Support:

Build a Community Recognized for Quality, Compassion, and Humanity:
Continue to maintain and advance positive Tribal Relations.
Create and Maintain a Transportation System Safe for All Modes of Travel

4) Alternatives:

Do not approve the agreement.

5) Fiscal Notes:

None at this time.

6) Attachments:

A. Interlocal Agreement, including Exhibits A through D