

**INTERLOCAL AGREEMENT
BETWEEN
THE PORT OF LONGVIEW AND
COWLITZ COUNTY
WILLOW GROVE PARK**

THIS AGREEMENT, made and entered into this 8 day of December, 2015, (the "Effective Date") by and between the PORT OF LONGVIEW, a Washington municipal corporation (hereinafter "PORT") and COWLITZ COUNTY, a political subdivision of the State of Washington (hereinafter "COUNTY"), jointly hereinafter referred to as the "parties."

WITNESSETH:

WHEREAS, the COUNTY owned, leased, developed and operated, for the benefit of its citizens and the general public, real property commonly referred to as "Willow Grove Park" (hereinafter "said park"), and more particularly described in "Exhibit A"; and

WHEREAS, the COUNTY transferred said park to the PORT, and the PORT accepted, and the parties are working with the state's Department of Natural Resources to transfer associated DNR land lease to the PORT; and

WHEREAS, the COUNTY currently still has the ability to issue both annual boat launch permits and day use permits in exchange for a fee to the general public; and

WHEREAS, the COUNTY is willing to assist the PORT with the ongoing issuance of permits and collection of fees during fiscal year 2015 after the transfer of ownership is complete; and

NOW THEREFORE, in consideration of the facts and recitals set forth above, which are adopted herein and made a part of this Agreement, made pursuant to RCW 39.34 (Interlocal Cooperation Act), and which the parties mutually agree good and adequate consideration for the obligations of the parties set forth herein, the parties agree as follows:

SECTION NO. 1: DURATION OF AGREEMENT

This Agreement shall commence January 1, 2015, and shall expire on December 31, 2015, unless otherwise agreed by the parties, including, but not limited to, any renewal.

SECTION NO. 2: ISSUANCE OF PERMITS; COLLECTION OF FEES

The COUNTY shall continue to issue all Annual Boat Launch Permits and Day Use Permits for the use of the park and boat launch for the duration of the 2015 calendar year. The COUNTY shall be responsible for collection of all fees for aforementioned permits. The COUNTY agrees to remit fifty percent (50%) of monies received for Boat Launch Permits and Day Use Permits to the PORT

SECTION NO. 7: MODIFICATION

No modification or amendment of this Agreement shall be valid until the same is reduced in writing and executed with the same formalities as this present Agreement.

SECTION NO 8: ALL WRITINGS CONTAINED HEREIN

This Agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or bind the parties. The parties have read and understand all of this Agreement, and now state that no representation, promise or agreement not expressed in the Agreement has been made to induce any of them to execute it.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the above indicated date:

PORT OF LONGVIEW

By:



Title: Chief Executive Officer

Name Printed: Geir-Eilif Kalhagen

BOARD OF COUNTY COMMISSIONERS
OF COWLITZ COUNTY, WASHINGTON

absent excused

Michael A. Karnofski, Chairman



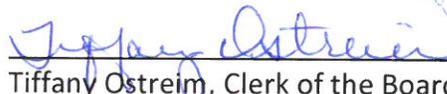
Dennis P. Weber, Commissioner



Joe Gardner, Commissioner



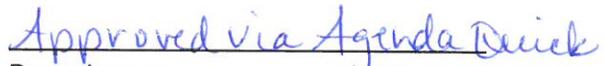
ATTEST:



Tiffany Ostreim, Clerk of the Board

3-24-15

APPROVED AS TO FORM:



Doug Jensen

3-18-15

Deputy Prosecuting Attorney

EXHIBIT A
LEGAL DESCRIPTION OF PARK

Area between dike centerline (County Road +/-) and high water mark at "Willow Grove":

A portion of Government Lots 6 and 7 in Section 17 and a portion of Government Lot 4 in Section 18, all in Township 8 North, Range 3 West, Willamette Meridian, Cowlitz County, Washington, described as follows:

BEGINNING at a point on the centerline of the Diking Improvement District #15 150 foot dike easement as described in Volume 712, Page 1209, Cowlitz County Deed Records (Auditor's File #593691) that bears South 00° 27' 00" West, 223.55 feet from a 3/4 inch pipe with 3-1/4 inch aluminum cap set to mark the quarter corner between Sections 17 and 18 (in April 1987 by Hagedorn, Inc.); thence South 65° 09' 33" East along said centerline, 706.30 feet to engineer's station "WG 103+98.56"; thence South 72° 55' 16" East, 1884.30 feet to a concrete monument with brass cap at engineer's station "WG 85+15.03"; thence South 55° 07' 50" East, 184.11 feet to the East line of Government Lot 7; thence South 01° 02' 32" West along said East line, 486 feet more or less to the high water mark of the right bank of the Columbia River as it existed on August 1, 1986; thence Northwesterly along the high water mark 4034 feet more or less to a point on the West line of the "Port of Longview Tract" as described in Volume 744, page 686 (Auditor's File #670788); thence North 00° 27' 00" East along said West line 570 feet more or less to a 1/2 inch iron rod at the Southwest corner of the "Willow Grove Community Club, Inc." tract as described under Auditor's File #860314010; thence South 54° 45' 51" East 150.00 feet to a 1/2 inch iron rod at the Southeast corner of said "Willow Grove Community Club, Inc." tract; thence North 00° 27' 00" East along the East line thereof and it's extension, 194.82 feet to the centerline of the 150 foot dike easement of Diking Improvement District #15 described above; thence South 54° 45' 51" East along said centerline, 942.18 feet to engineer's station "WG 111+56.94"; thence South 65° 09' 33" East, 52.38 feet to the POINT OF BEGINNING.

Together with:

All tidelands, accreted lands, and submerged lands lying adjacent to, abutting, upon, or within the real property described herein.

SUBJECT TO:

1. Waiver for right of way 150 feet in width upon the right of way of Diking District No. 15 for roadway as granted by instrument recorded February 20, 1928 under auditor's file No. 71791.
2. Waiver for right of way 150 feet in width upon the right of way Dike District No. 15 for roadway as granted by instrument recorded February 20, 1928 under auditor's file No. 71790.
3. An easement affecting the portion of said premises and for the purposes stated herein, and incidental purposes.
For : Right of way
In favor of : Diking Improvement District No. 15 of Cowlitz County
Recorded : October 7, 1964
Auditor's No. : 593691 and 593692.
4. Waiver for right of way 100 feet to 140 feet in width upon the right of way of Diking Improvement District No. 15 for roadway as granted by instrument recorded February 20, 1928 under auditor's file No. 71787.
5. Easement for Diking Improvement District No. 15 for dike right of way.
6. An easement affecting the portion of said premises and for the purposes stated herein, and incidental purposes.
For : Water system
Recorded : August 20, 1954
Auditor's No. : 421913.
7. Any question that may arise due to shifting or change in the course of the river or creek herein named, or due to said river or creek having changed its course.
River/Creek : Columbia River.
8. Any adverse claim based upon the assertion that:
(A) Some portion of said land is tide or submerged land, or has been created by artificial means or has accreted to such portion so created."
(B) Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the Columbia river or has been formed by accretion to any such portion."

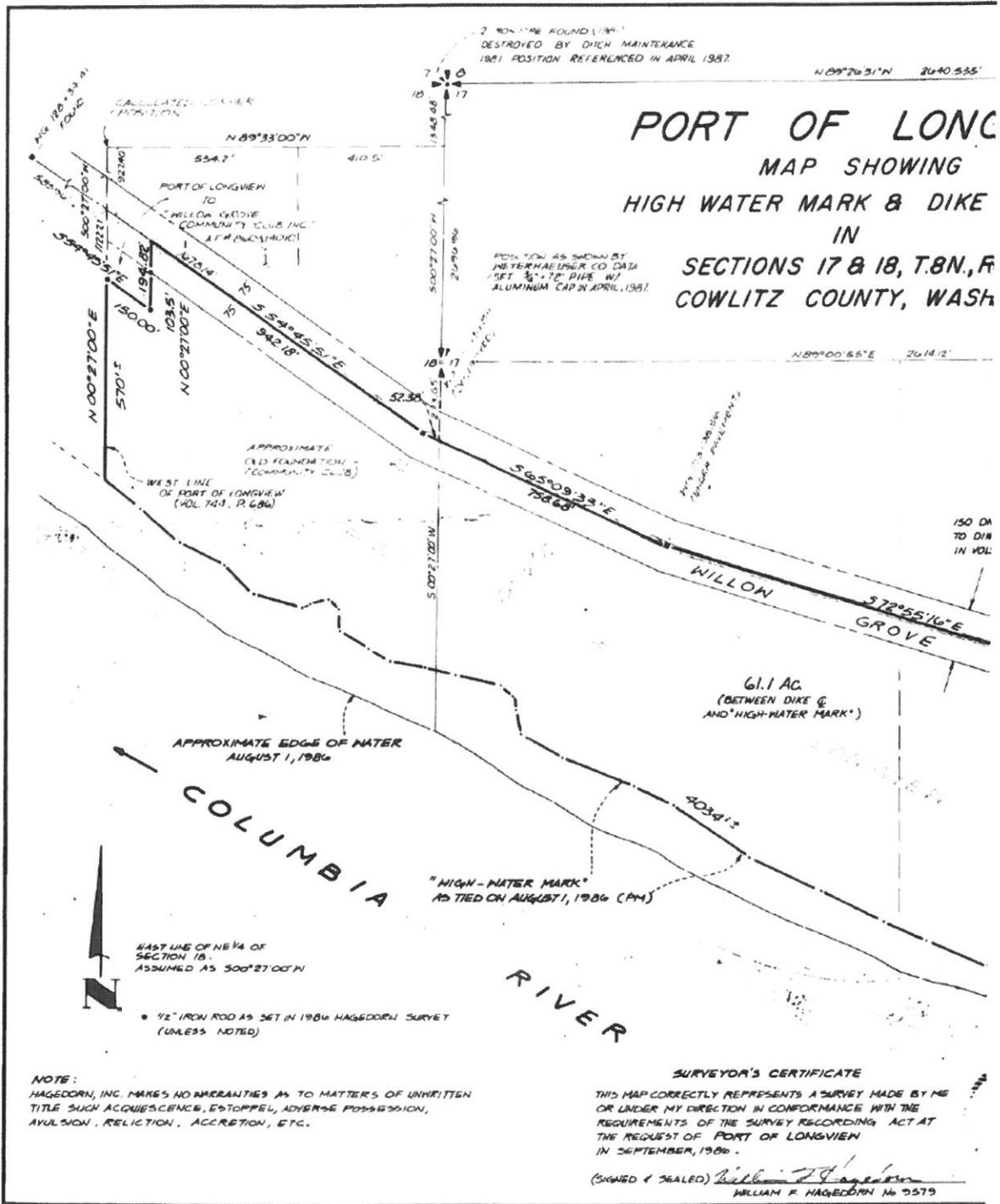
Continued.....

9. Such rights and easements for navigation and fishery which may exist over that portion of said land lying beneath the waters of the Columbia river.

10. Any adverse claim based upon the assertion that any portion of said land was not tide land subject to disposition by the state of Washington, or that any portion thereof has ceased to be tide lands or by reason of having become upland by accretion.

11. Rights and easements for commerce, navigation and fishery.

12. Said land or a portion thereof may lie beneath navigable waters. Any portion of said land which lies or which may in the future lie beneath navigable waters is subject to rights of navigation, together with incidental rights of fishing, boating, swimming, water-skiing and other related recreational purposes generally regarded as corollary to the right of navigation and the use of public water.





January 11, 2016

Port of Longview
Robin Johnson
10 E Port Way
Longview, WA 98632

CERTIFIED MAIL
7012 3460 0000 3164 8496

Subject: Final executed copy of Amendment and Assignment for 20-012740

To Whom It May Concern:

Enclosed is a final executed copy of Amendment and Assignment No. 20-012740 for your records.

Please record the Assignment at the county auditor's office and return proof of recordation to us. Proof of recordation is a copy of scan of the first few pages of the agreement showing the recordation stamp.

Due to the fact that the IAA will be expiring soon, we recommend that the Port start the application process so that we can start working on a new agreement sooner rather than later.

If you should have any questions, feel free to contact Denise Wilhelm, at (360) 740-6824 or denise.wilhelm@dnr.wa.gov, or me, at (360) 740-6834 or grant.crosier@dnr.wa.gov.

Sincerely,

Grant Crosier
Natural Resources Technician
Aquatic Resources Division/Rivers District

Enclosures (2)

c: District file
TRO file

RECEIVED

JAN 13 2015

Port of Longview

Robin Johnson

From: Robin Johnson
Sent: Friday, January 08, 2016 8:49 AM
To: CROSIER, GRANT (DNR) (Grant.Crosier@dnr.wa.gov)
Cc: Norm.Krehbiel@portoflongview.com; Lisa.Hendriksen@portoflongview.com
Subject: Willow Grove Park -- Aquatic Lands Assignment No. 20-012740

Good Morning, Grant:

On December 8, 2015, we mailed you the three identical originals of the Notice of and Consent to Assignment and Assumption of Interagency Agreement, for final review and signatures by the DNR. These documents were signed by our Port Commissioners at the December 8, 2015 Regular Commission Meeting.

Can you please provide us with the status of these documents?

Robin



ROBIN JOHNSON, EXECUTIVE ASSISTANT | DEPUTY AUDITOR | PUBLIC RECORDS OFFICER
10 PORT WAY, LONGVIEW, WA 98632
P. 360-425-3305 D. 360-703-0201
WWW.PORTOFLONGVIEW.COM | [WASHINGTON'S WORKING PORT VIDEO](#)