

RESOLUTION NO. 1351

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAYTON,
WASHINGTON, AUTHORIZING THE MAYOR TO SIGN AN AMENDED
AGREEMENT OF ANNEXATION BETWEEN THE CITY OF DAYTON AND
COLUMBIA COUNTY RURAL LIBRARY DISTRICT**

WHEREAS, Columbia County Rural Library District ("District") was created as a result of an election held November 8, 2005, and the City of Dayton ("City") and the District are both located in Columbia County and have contiguous boundaries and borders; and

WHEREAS, the City and the District entered into an annexation agreement on February 9, 2009, which was approved by special election on August 18, 2009; and

WHEREAS, the City has managed Trust funds created for the purpose of supporting public Library Services in the City of Dayton; and

WHEREAS, the City and the District desire to amend the terms and conditions of annexation of the City to the District to allow the District to manage the principle of trust funds existing for the benefit of the Dayton Memorial Library currently managed by the City and receive the proceeds of other such funds directly, without first being sent to the City; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAYTON,
WASHINGTON, HEREBY RESOLVES** as follows:

Section 1. That the Mayor is hereby authorized to execute on behalf of the City of Dayton an amended agreement of annexation between the City of Dayton and Columbia County Rural Library District in the form attached hereto as Exhibit "A."

Section 2. That the Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 3. That this resolution shall take effect and be in full force upon passage and signatures hereon.

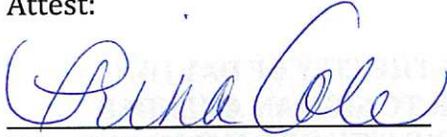
Dated and signed this 12TH day of SEPTEMBER, 2018.

CITY OF DAYTON



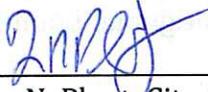
Craig George, Mayor

Attest:



Trina Cole, City Clerk-Treasurer

Approved as to Form:



Quinn N. Plant, City Attorney

Exhibit "A"

AMENDED AGREEMENT OF ANNEXATION BETWEEN THE CITY OF DAYTON AND THE COLUMBIA COUNTY RURAL LIBRARY DISTRICT

THIS AGREEMENT AMENDS THE 2009 ANNEXATION AGREEMENT ("the "Amended Agreement") and is made this 12TH day of SEPT., 2018, by and between the City of Dayton, Washington, a municipal corporation of the State of Washington, hereinafter referred to as the "City," and the Columbia County Rural Library District, a municipal corporation duly organized and existing under and by virtue of the laws of the state of Washington and authorized to provide library services, hereinafter referred to as the "District."

I. RECITALS

WHEREAS, the District was created as a result of an election held November 8, 2005, and the City and the District are both located in Columbia County and have contiguous boundaries and borders; and

WHEREAS, the City and the District entered into an annexation agreement on February 9, 2009, which was approved by special election on August 18, 2009; and

WHEREAS, the City has managed Trust funds created for the purpose of supporting public Library Services in the City of Dayton; and

WHEREAS, the City and the District desire to amend the terms and conditions of annexation of the City to the District to allow the District to manage the principle of trust funds existing for the benefit of the Dayton Memorial Library currently managed by the City and receive the proceeds of other such funds directly, without first being sent to the City; and

NOW THEREFORE, in consideration of mutual promises and covenants herein contained, it is hereby agreed as follows:

II. AMENDED AGREEMENT

1. Purpose. The purpose of this amendment is to continue and expand the resources available for the operation of a library facility and Delany Building in the City of Dayton for the benefit of residents of Columbia County and the City of Dayton, and ease the burden on the City of managing the trust funds.

2. TERMS.

2.1 Obligations of the City. Effective the 12TH day of SEPT., 2018, the City, shall transfer the principle of the Hedwig Davis Memorial Trust directly to the District, which will manage the trust funds and serve as custodian of the funds purposes of providing Library

Resolution No. 1351

09/12/2018

Services to the residents of the City of Dayton and the surrounding unincorporated area of Columbia County, Washington. In addition, the City hereby consents to the District receiving income from the Delany Trust and Peabody Endowment directly from the Trust managers to be used for the benefit of the Library.

2.1.1(a) Hedwig Endowment. The District shall assume control of the Hedwig Davis Endowment trust fund with all future income and interest earned by this endowment to be used by the District exclusively for the provision of Library Services as provided in the trust documents.

2.1.1(b) Delany Trust. All of the interest income produced each year from the Delany Trust shall be distributed directly to the District, in lieu of the City, for use by the District exclusively for the purpose of maintaining the Delany Building in accordance with the requirements of the Delany Will documents.

3. GENERAL CONDITIONS

3.1 Entire Agreement. This Amended Agreement shall amend the original Annexation Agreement of February 9, 2009 and, together, constitute the entire agreement between the two parties. Both parties acknowledge that all prior Agreements, written or oral, in conflict herewith, are null and void. If any part of this Amended Agreement is proved to be invalid, the rest of the full Agreement shall remain binding.

3.2 Assignability. No party shall assign or transfer any interest in this Amended Agreement (by assignment or novation) without prior written consent of the other party, formally adopted and approved by their appropriate officials.

3.3 Amendments. The parties hereby further agree that this Amended Agreement cannot be modified, or extended without the written concurrence of all parties, formally adopted and approved by their appropriate officials.

3.4 Notices. Any notices required to be given by the parties shall be in writing and delivered to the parties at the following addresses:

Columbia County Rural Library District
PO Box 74
Dayton WA 99328

City of Dayton
111 South First Street
Dayton WA 99328

3.5 Disputes. The laws of Washington State shall govern this Amended Agreement. Venue for any action under this Amended Agreement shall be in Columbia County, Washington. In the event of any dispute or litigation involving this Amended Agreement, the substantially prevailing party shall be entitled to recover all costs of suit, including reasonable attorney's fees.

3.6 Waiver. The failure of any party to insist upon strict performance of any of the covenants or conditions of this Agreement in any one or more instances shall not be construed as a waiver of relinquishment for the future of any such covenants or conditions, but the same shall be and remain in full force and effect.

3.7 Partial Invalidity. Should any provision of this Amended Agreement be held by a court of competent jurisdiction to be either invalid, void, or unenforceable, the remaining provisions of this Amended Agreement shall remain in full force and effect unimpaired by the holding.

DATED this 12TH day of SEPTEMBER, 2018.

Columbia County Rural Library District
Board of Trustees

City of Dayton, Washington

By: 
Tanya Patton, Chair

By: 
Craig George, Mayor

Attest:

Approved as to form:

By: 
Trina Cole, City Administrator

By: 
City Attorney's Office

