

Please return to:

*Executive Assistant
Kennewick Irrigation District
12 West Kennewick Avenue
Kennewick, WA 99336*

KENNEWICK IRRIGATION DISTRICT RESOLUTION 2015-22

Approving Badger Canyon Apartments Voluntary Mitigation Agreement

A **RESOLUTION** of the Board of Directors of Kennewick Irrigation District (KID), Benton County, Washington, for the purpose of approving a development agreement with Edward Rose Millennial Development LLC (hereinafter “Developer”),

WHEREAS, the Board of Directors of KID (the Board) met in regular session on September 15, 2015, with a quorum present, and

WHEREAS, the Property is proposed for subdivision into a development known as “Badger Canyon Apartments” consisting 45.67 acres, of which 41.72 acres is classified as irrigable, which is being developed into an apartment complex and legally described in Exhibit A, hereinafter referred to as the “Property.”

WHEREAS, the Property is being developed into an apartment complex within the COK boundaries; and

WHEREAS, the Property is owned by the Developer and has an allotment of irrigation water from KID; and

WHEREAS, the Developer has made irrigation improvements on the Property, but has not completed the construction of a pond, pump station, and appurtenant facilities to provide pressurized irrigation water to the property as a completed irrigation facility; and

WHEREAS, the Developer and KID mutually agree that it is in each of their best interest for the Developer to contribute funds towards KID’s planned regional system in lieu of constructing a pond, pump station, and appurtenant facilities to service the Property; and

WHEREAS, the Developer desires to contribute funds equal to a mutually agreed amount, which is \$20,000 towards the planned regional system in lieu of construction of a pond, pump station, and appurtenant facilities and the Property and the Developer has designed and constructed facilities to that purpose; and

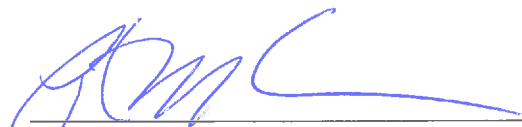
WHEREAS, the parties desire to set forth their agreements on how said Voluntary Mitigation Agreement will be constructed, operated, maintained, replaced, and bettered for their mutual benefit and for the benefit of their heirs, assigns and successors;

NOW, THEREFORE, BE IT RESOLVED that the attached “Badger Canyon Apartments Voluntary Mitigation Agreement” is approved.


RESOLUTION 2015-22 IS HEREBY ADOPTED by the Board of Directors of Kennewick Irrigation District, Benton County, Washington, at a regular open public meeting thereof this 15th day of September, 2015.



Kirk Rathbun



Patrick McGuire



Gene Huffman



David McKenzie



Dean Dennis

Exhibit A

THAT PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER AND THE NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 8 NORTH, RANGE 28 EAST, W.M. RECORDS OF BENTON COUNTY, WASHINGTON LYING WESTERLY OF CLODFELTER ROAD; EXCEPT THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 8 NORTH, RANGE 28 EAST W.M. RECORDS OF BENTON COUNTY, WASHINGTON; EXCEPT PORTION ACQUIRED BY THE STATE OF WASHINGTON JUDGMENT DECREE ENTERED JULY 26, 1983 IN BENTON COUNTY SUPERIOR COURT UNDER CAUSE NO. 82-2-00673-1; EXCEPT THEREFROM ANY PORTION LYING SOUTHERLY OF I-82 RIGHT OF WAY. (BOUNDARY LINE ADJUSTMENT, AF#2011-015501, 6/03/2011)