

Please return to:

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

KENNEWICK IRRIGATION DISTRICT RESOLUTION 2015-23

Approving Morbeck Voluntary Mitigation Agreement with Lien Provisions

A RESOLUTION of the Board of Directors of Kennewick Irrigation District (KID), Benton County, Washington, for the purpose of approving a development agreement with Jean Street LLC, an Oregon Corporation (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 “Morbeck Addition” consisting 9.82 acres, of which 9.77 acres is classified as irrigable, which are proposed to be subdivided into 39 lots and legally described in Exhibit A, hereinafter referred to as the “Property.”

WHEREAS, the Property is being developed into a residential subdivision within the COK boundaries; and

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

WHEREAS, RCW 58.17.310 requires that irrigation water rights-of-way be provided for each parcel of land, and also requires that, if the subdivision lies within land within an irrigation district classified as irrigable, completed irrigation water distribution facilities for such land may be required by the irrigation district by resolution as a condition for approval of the short plat or final plat by the legislative authority of the city, town, or county; and

WHEREAS, KID Resolution 86-15A requires completed irrigation facilities as a condition for approval of the short plat or final plat; and

WHEREAS, KID Policy 4.19 “Standard Specifications” specifies what comprises completed irrigation facilities; and

WHEREAS, the Developer has made irrigation improvements on the Property, but has not completed the construction of a pump station, and appurtenant facilities to provide pressurized irrigation water to the subdivision 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 the mutually agreed cost of completed irrigation facilities, which is \$59,547.62 towards the planned regional system in lieu of construction of a pond, pump station, and appurtenant facilities; and

WHEREAS, the KID cannot approve of any Final Plat phases of the Property unless completed irrigation system are installed or bonded for or the KID Board of Directors approves by resolution an acceptable security that creates a lien against the Property; and

WHEREAS, the Developer desires to create a lien against the Property in a form that is an acceptable security to the KID; and

WHEREAS, the Developer desires to contribute funds for each lot sale until such time that the Developer can pay off the remaining amount of \$59,547.62, and therefore agrees to pay 4.6% interest on that amount running from the date when KID provides irrigation water to the subdivision, and compounding annually on the amounts remaining unpaid at the end of each year until the full amount is paid; 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 "Morbeck Voluntary Mitigation Agreement with Lien Provisions" is approved.

RESOLUTION 2015-23 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