

*Please return to:*  
*Kennewick Irrigation District*  
*2015 South Ely Street*  
*Kennewick, WA 99337*

**KENNEWICK IRRIGATION DISTRICT  
RESOLUTION 2019-08**

**CONDEMNATION OF RESERVOIR SITE FOR CENTRAL STORAGE**

A RESOLUTION OF KENNEWICK IRRIGATION DISTRICT RELATING TO PROPERTY ACQUISITION; AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF CERTAIN PROPERTIES FOR THE EXPANSION AND IMPROVEMENT OF THE DISTRICT'S SYSTEMS; PROVIDING FOR THE CONDEMNATION, APPROPRIATION, TAKING AND DAMAGING OF LAND AND OTHER PROPERTY RIGHTS NECESSARY THEREFORE; AND, AUTHORIZING THE DISTRICT TO FILE A PETITION FOR CONDEMNATION IN BENTON COUNTY SUPERIOR COURT AND TO PROSECUTE THE SAME, OR ACQUIRE PROPERTY IN LIEU THEREOF.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF KENNEWICK IRRIGATION DISTRICT, WASHINGTON, AS FOLLOWS:

SECTION 1.            Recitals

1.1     The District is a Washington Irrigation District organized and existing under Title 87 RCW.     The District has all necessary authority to acquire property by condemnation (including under RCW 87.03.40) and by conveyance (including under RCW 87.03.155).

1.2     The District has caused currently necessary surveys, examinations, maps and plans to be made and following planning and study, adopted its Capital Improvement Plan. That Plan includes the reservoir and water storage project commonly known as the Amon Reservoir or Central Storage Project ("Project"), including acquisition of necessary property for the Project. The District has demonstrated the practicability of the general plan of the District's proposed Project and furnished the proper basis for an estimate of the cost of carrying out the same in the Plan, as may be necessary under RCW 87.03.165.

1.3     The District determines that the following property be acquired for the Project:

Benton County parcels numbered 107882000001002 and 107882000001003, located within: Section 7, Township 8 North, Range 28 East, Willamette Meridian,

Lying Southerly of Badger Canyon road right-of-way, Easterly of Kennewick Irrigation District Main Canal right-of-way and Westerly of Badger Road right-of-way (the “Property”).

1.4 There are differing approaches to valuation of the Property. The District and the owners of the Property continue to work toward settlement of the conveyance of the Property to the District. However, the District must assure timely acquisition of the Property in order to move forward with the Project.

SECTION 2.                    Public Use and Necessity

The Board hereby recognizes and finds that the public necessity and convenience demand that the Property be condemned, appropriated and taken in fee simple for a public purpose and use, namely the improvement of a District water storage project. However, nothing in this Resolution precludes the District from entering a voluntary settlement with the owners of the Property.

SECTION 3.                    Property for Public Use – Just Compensation.

All lands, rights, privileges of the Property are hereby condemned, appropriated, taken and damaged for the purpose of the District’s Project and other public use: and, all lands, rights, privileges of the Property to be taken, damaged and appropriated only after just compensation has been made, or paid into court as may be necessary, for the owners thereof in a manner provide by law.

SECTION 4.                    Reservation

Nothing in this Resolution limits the District in its identification and acquisition of property and property rights necessary for its purposes. The District reserves the right to acquire other or different properties for the improvement and expansion of the Project. Nothing in this Resolution shall be construed as a waiver by the District of its right to decline to take and pay for the Property after the amount of damages has been ascertained and within the time allowed by law.

SECTION 5.                    Funding

The entire costs for the Project improvement and Property acquisition provided for by this Resolution shall be paid from such general or special funds available to the District.

SECTION 6.                    Prosecution

The District’s attorneys, as may be directed by the District Manager, are hereby authorized and directed to commence condemnation proceedings against the owners or reputed owners of the Property as provided by law, to prepare the necessary petition in condemnation and to commence and prosecute such action in the Superior Court of Washington in and for the

the Property as provided by law, to prepare the necessary petition in condemnation and to commence and prosecute such action in the Superior Court of Washington in and for the County of Benton against all of the owners or reputed owners of the above described property and to acquire title thereof for the District, and in such proceedings to ascertain the just compensation for taking or damaging such property. In conducting said condemnation proceedings, the District's attorneys are hereby authorized to enter into stipulations for the purpose of minimizing damages. Additionally, the District Manager is hereby authorized and directed to take all necessary actions to acquire the Property and to carry out the intent of this Resolution.

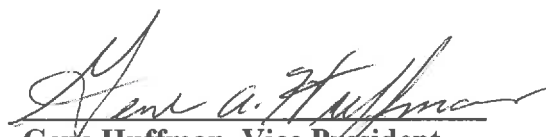
SECTION 7.            Effective Date

This Resolution shall take effect and be in force from and after its passage.

Resolution 2019-08 is hereby adopted by the Board of Directors of the Kennewick Irrigation District, Benton County, Washington, at an open public meeting thereof this 19<sup>th</sup> day of February, 2019.

**ABSENT**

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**Dean Dennis, President**

  
\_\_\_\_\_  
**Gene Huffman, Vice President**

  
\_\_\_\_\_  
**David McKenzie, Director**

*via telephone*  
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**Kirk Rathbun, Director**

  
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**Raman Venkata, Director**