

Please return to:

*Executive Assistant
Kennewick Irrigation District
2015 S Ely Street
Kennewick, WA 99337*

KENNEWICK IRRIGATION DISTRICT RESOLUTION 2019-28

Approving Willowbrook 2 Phase 4b Voluntary Mitigation Agreement 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 Dos Cabras Viejas, LLC a Washington Corporation (hereinafter “Developer”),

WHEREAS, the Board of Directors of KID (the Board) met in regular session on August 20, 2019, with a quorum present, and

WHEREAS, the Property is proposed for subdivision into a development known as “Willowbrook 2 Phase 4B” consisting 9.12 acres, of which 9.12 acres are classified as irrigable, which are proposed to be subdivided into 27 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 Benton County 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 installed seven (7) services with couplings which do not meet KID Policy 4.19 “Standard Specification”; and

WHEREAS, the Developer has requested a variance to allow the service couplings; and

WHEREAS, the Developer desires to contribute funds in the mutually agreed upon amount of \$2,420.46 for each non-approved service coupling installed under the sidewalk, asphalt, or curb, as a warrantee mitigation payment for the future repair and replacement of the services; and

WHEREAS, the Developer agrees to make irrigation improvements on the Property, to provide pressurized irrigation water to the subdivision as a completed irrigation facility; and

WHEREAS, the KID cannot approve of any Final Plat phases of the Property unless completed irrigation systems 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 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 "Willowbrook 2 Phase 4B" Voluntary Mitigation Agreement is approved.

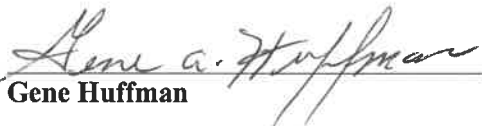
RESOLUTION 2019-28 IS HEREBY ADOPTED by the Board of Directors of Kennewick Irrigation District, Benton County, Washington, at a regular open public meeting thereof this 20th day of August, 2019.



Dean Dennis



Kirk Rathbun



Gene Huffman



David McKenzie

ABSENT

Raman Venkata