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Executive Assistant
Kennewick Irrigation District
2015 South Ely Street
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KENNEWICK IRRIGATION DISTRICT RESOLUTION 2020-38

Authorization for Collection of Surcharges for the PLA Properties in the Highland Gardens-Nielsen's Plat Benefit Area, Amending Resolution 2019-11.

A **RESOLUTION** of the Board of Directors of Kennewick Irrigation District (KID), Benton County, Washington, relating to certain rates, charges and assessments; establishing certain rates, charges and surcharges and directing assessment process related to the KID Highland Gardens-Nielsen's Plat Benefit Area; authorizing and directing actions.

Section 1. RECITALS AND FINDINGS.

1.1 Some areas within the KID service have been served by privately constructed and operated irrigation systems. Many of those systems were not constructed to KID standards, and not subject to regular operation and maintenance or needed repair and replacement. KID attempts to serve the community by acquisition or assumption of such systems and to provide a program for system improvements.

1.2 Highland Gardens-Nielsen's Plat Private Line Area (PLA) is such an area and has been impacted by new, private construction and system deficiencies. KID sent a letter to the properties within the PLA to inform of the issues with the system and to provide information concerning a PLA conversion. A public meeting was held on March 7th, 2019. During this meeting, KID proposed replacement of the PLA with a pressurized system including pipeline and service connections along the frontage of W 21st, W 20th and W 19th Ave. These pipelines would be connected to the KID pipeline in S. Vancouver St. which will become a pressurized line during the 2019 water season.

1.3 This Resolution sets forth KID's program for the system improvement and necessary financial support from assessments against benefited properties, and from rates and charges (including charges in lieu of assessments) for the Highland Gardens-Nielsen's Plat Benefit Area within the previously established private line area.

Section 2. HIGHLAND GARDENS-NIELSEN'S PLAT BENEFIT AREA. The Highland Gardens-Nielsen's Plat Benefit Area is hereby established to include all of the following property:

- *The North half of Lots 1 and 2, Block 1, Highland Gardens, according to the Plat thereof recorded in Volume 3 of Plats, Page 57, records of Benton County, Washington.*
 - *North half Lots 1 and 2, Parcel 111893030001002*

- *The South half of Lots 1 and 2, Block 1, Highland Gardens, according to the Plat thereof recorded in Volume 3 of Plats, Page 57, records of Benton County, Washington.*
 - *South half Lots 1 and 2, Parcel 111893030001001*
- *Lots 3-4, 6 and 9, Block 1, Highland Gardens, according to the Plat thereof recorded in Volume 3 of Plats, Page 57, records of Benton County, Washington.*
 - *Lot 3, Parcel 111893030001003*
 - *Lot 4, Parcel 111893030001004*
 - *Lot 6, Parcel 111893030001006*
 - *Lot 9, Parcel 111893030001009*
- *Short Plat #2853, Lots 1-2, Recorded in Volume 1 of Short Plats, Page 2853, Records of Benton County, Washington.*
 - *Lot 1, Parcel 111893012853001*
 - *Lot 2, Parcel 111893012853002*
- *The North half of Lot 7, Block 1, Highland Gardens, according to the Plat thereof recorded in Volume 3 of Plats, Page 57, records of Benton County, Washington.*
 - *North half Lot 7, Parcel 111893030001007*
- *The North half of Lot 8, Block 1, Highland Gardens, according to the Plat thereof recorded in Volume 3 of Plats, Page 57, records of Benton County, Washington.*
 - *North half Lot 8, Parcel 111893030001008*
- *The South half of Lots 7 and 8, Block 1, Highland Gardens, according to the Plat thereof recorded in Volume 3 of Plats, Page 57, records of Benton County, Washington.*
 - *South half Lots 7 and 8, Parcel 111893030001010*
- *Lots 1-3, Block 2, Highland Gardens, according to the Plat thereof Recorded in Volume 3 of Plats, Page 57, records of Benton County, Washington.*
 - *Lot 1, Parcel 111893030002001*
 - *Lot 2, Parcel 111893030002002*
 - *Lot 3, Parcel 111893030002003*
- *The North half of Lots 4-9, Block 2, Highland Gardens, according to the Plat thereof recorded in Volume 3 of Plats, Page 57, records of Benton County, Washington.*
 - *North half Lot 4, Parcel 111893030002004*
 - *North half Lot 5, Parcel 111893030002005*
 - *North half Lot 6, Parcel 111893030002006*
 - *North half Lot 7, Parcel 111893030002007*
 - *North half Lot 8, Parcel 111893030002008 (relegated)*
 - *North half Lot 9, Parcel 111893030002009 (relegated)*
- *The South half of Lots 4 and 5, Block 2, Highland Gardens, according to the Plat thereof recorded in Volume 3 of Plats, Page 57, records of Benton County, Washington.*
 - *South half Lots 4 and 5, Parcel 111893030002010*
- *The South half of Lots 6-9, Block 2, Highland Gardens, according to the Plat thereof recorded in Volume 3 of Plats, Page 57, records of Benton County, Washington.*

- *South half Lot 6, Parcel 111893030002011*
 - *South half Lot 7, Parcel 111893030002012*
 - *South half Lot 8, Parcel 111893030002013*
 - *South half Lot 9, Parcel 111893030002014*
- *Lots 1 and 4-10, Nielsen's Plat, according to the Plat thereof recorded in Volume 4 of Plats, Page 13 records of Benton County, Washington.*
 - *Lot 1, Parcel 111893040000001*
 - *Lots 4 and 5, Parcel 111893040000014*
 - *Lot 6, Parcel 111893040000006*
 - *Lot 7, Parcel 111893040000007*
 - *Lot 8, Parcel 111893040000008*
 - *Lot 9, Parcel 111893040000009*
 - *Lot 10, Parcel 111893040000010*
- *The North half of Lots 2 and 3, Nielsen's Plat, according to the Plat thereof recorded in Volume 4 of Plats, Page 13, records of Benton County, Washington.*
 - *North half Lot 2, Parcel 111893040000002*
 - *North half Lot 3, Parcel 111893040000003*
- *The South half of Lots 2 and 3, Nielsen's Plat, according to the Plat thereof recorded in Volume 4 of Plats, Page 13, records of Benton County, Washington.*
 - *South half Lot 2, Parcel 111893040000012*
 - *South half Lot 3, Parcel 111893040000013*

Section 3. SURCHARGE.

3.1 Except as provided in this Resolution, the Highland Gardens-Nielsen's Plat Benefit Area shall be subject to KID Policy 2.41. The following charges apply as "KID Surcharges for System Improvements." The surcharge applicable to these properties upon connection shall be calculated as follows.

3.2 The level of service provided to properties within the Highland Gardens-Nielsen's Plat Benefit Area shall be based on equivalent irrigation units (EIU). Each EIU shall be the equivalent of a one and one-quarter (1 ¼) inch service connection providing an instantaneous flow of fifteen (15) gallons per minute. Any larger service connections shall be calculated from as a multiple of this base EIU, irrespective of development standards applicable to a property.

3.3 The surcharge was determined based on actual costs of construction. The cost for the project is \$7,939.10 per EIU.

3.4 The surcharge will be collected as follows for properties that connect to the system prior to April 30, 2021:

3.4.1 In order to incentivize capital recovery, if the entire project costs are paid by April 30, 2021 the cost of the surcharge will be reduced to \$5,975.90 per EIU.

3.4.2 If the entire project costs are not paid in full by April 30, 2021, a property owner may elect to defer the surcharge and be charged \$120 per year until the earlier of:

3.4.2.1 Change in Property Ownership, at such point, the entire surcharge for project costs becomes due; or

3.4.2.2 January 1, 2031, at such point, the surcharge for project cost will be recovered through an annual surcharge of \$793.91 per EIU which will be added to the KID billing with equal one-half (1/2) installments due April 30 and October 31 of each year, for ten (10) years. If there is a change in property ownership after January 1, 2031, the entire surcharge amount for the project costs, less any annual surcharges paid, becomes due.

3.4.3 If the entire project costs are not paid in full or deferred by April 30, 2021, an annual surcharge of \$793.91 per EIU will be added to the KID billing to the property as a separate Capital Surcharge, with equal one-half (1/2) installments due on April 30 and October 31 of each year, beginning on April 30, 2021, for ten (10) years. If there is a change in property ownership after connection to the system, the entire surcharge amount for the project costs, less any annual surcharges paid, becomes due.

3.6 For properties that connect to the system after April 30, 2021, an annual surcharge of \$793.91 per EIU will be added to the KID billing to the property as a separate Capital Surcharge, with equal one-half (1/2) installments due on April 30 and October 31 of each year, beginning on April 30 of the following year, for ten (10) years. If there is a change in property ownership after connection to the system, the entire surcharge amount for the project costs, less any annual surcharges paid, becomes due.

Section 4. ASSESSMENT. All properties within the Highland Gardens-Nielsen's Plat Benefit Area may be subject to annual assessments (or a charge in lieu of assessment) for the cost of a pressurized system.

Section 5. SERVICE AGREEMENT. Prior to properties within the Highland Gardens-Nielsen's Plat Benefit Area connecting to the KID improvements, the properties will be required to enter into an Irrigation Water Service Agreement, to provide necessary security for payment for the KID system improvements.

Section 6. UNAUTHORIZED CONNECTIONS – ADDITIONAL CHARGES. A Highland Gardens-Nielsen's Plat Benefit Area property that does not enter into an Irrigation Water Service Agreement, and is later found to be connected to the system, will be charged a tampering/unauthorized access fee in accordance with KID's most recent fee resolution. This additional charge is in part to recover the costs to KID to manage and remedy the improper connection, including but not limited to administrative costs, service call(s), and deferred financing. An annual surcharge of \$793.91 per EIU will be added to the KID billing for such property with equal one-half (1/2) installments due on April 30 and October 31 of each year, beginning on April 30 of the following year, for ten (10) years. If there is a change in property ownership after connection to the system, the entire surcharge amount for the project costs, less any annual surcharges paid, becomes due.

Section 7. ADDITIONAL PROPERTIES. Properties (lots or parcels) newly-created through a platting process, or otherwise, which connect to the pressurized system, shall pay the appropriate surcharge in full at the time of land division unless approved by the KID Board (i.e., Voluntary Mitigation Agreement).

Section 8. IMPLEMENTATION. The KID District Manager is hereby authorized and directed to take such action as appropriate and necessary to administer and enforce this Resolution.

Section 9. REPEALER; FUTURE ACTIONS. Any KID act prior to and inconsistent with this Resolution is hereby superseded and repealed. Nothing in this Resolution shall limit the future authority of

KID to modify, rates charges and assessments.

RESOLUTION 2020-38 IS HEREBY ADOPTED by the Board of Directors of Kennewick Irrigation District, Benton County, Washington, at a regular open public meeting with a quorum present thereof this 14th day of December, 2020.



Kirk Rathbun, President



David McKenzie, Vice President



Gene Huffman, Director



Arland Ward, Director