

Please return to:

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

KENNEWICK IRRIGATION DISTRICT RESOLUTION 2022-39

Authorization for Collection of Surcharges for the PLA Properties in the MC 23.2-4 Benefit Area.

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 MC 23.2-4 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 MC 23.2-4 Private Line Area (PLA) is such an area and has been impacted by system deficiencies. A private pump failure occurred during the course of the 2022 irrigation season. Upon failure of the private pump an unauthorized connection was made to the KID system to provide pressurized water to the PLA. This unauthorized connection has been locked out. The KID Board of Directors has previously approved surcharges for PLAs that allow for the collection of funds from development and private property owners with the intent that once sufficient funds are collected, installation of the project would proceed. If sufficient interest and commitments are generated KID may allow KID pressurized delivery of water through the private system until that time at which the project could be installed.

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 MC 23.2-4 Benefit Area within the previously established private line area.

Section 2. MC 23.2-4 BENEFIT AREA. The MC 23.2-4 Benefit Area is hereby established to include all of the following property:

- *LOTS 1-2, SHORT PLAT 3325, RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 3325, RECORDS OF BENTON COUNTY, WASHINGTON. (AF#2011-023295, 8/19/2011).*
 - *112882013325001*
 - *112882013325002*

- *Section 12 Township 8 Range 28 Quarter NW; LOT 2, SHORT PLAT NO. 405, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 405, RECORDS OF BENTON COUNTY, WASHINGTON. EXCEPT THE NORTH 110.00 FEET THEREOF (AF#736017, 8/30/1977). SUBJECT TO RESTRICTIONS, RESERVATIONS, RIGHT OF WAYS AND EASEMENTS OF RECORD. QCD, AF #2009-031598 (10/23/2009).*
 - 112882010405005
- *LOT 3, SHORT PLAT #405, RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 405, RECORDS OF BENTON COUNTY, WASHINGTON (AF#736017, 8/30/1977). SUBJECT TO RESTRICTIONS, RESERVATIONS, RIGHT OF WAYS AND EASEMENTS OF RECORD. QCD, AF #2009-031598 (10/23/2009)*
 - 112882010405003
- *Lots 1-2, SHORT PLAT #906; RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 906, RECORDS OF BENTON COUNTY, WASHINGTON (AF#810722, 12/27/1979)*
 - 112882010906001
 - 112882010906002
- *Lots 3-4, SHORT PLAT #906; RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 906, RECORDS OF BENTON COUNTY, WASHINGTON (AF#810722, 12/27/1979). RESTRICTIVE COVENANT AF#91-16815, 9/18/91.*
 - 112882010906003
 - 112882010906004
- *Section 12 Township 8 Range 28; Lot 1-2, SHORT PLAT #2427, RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 2427, RECORDS OF BENTON COUNTY, WASHINGTON (AF# 1999-018200, 6/4/1999). SUBJECT TO RESTRICTIONS, RESERVATIONS, RIGHT-OF-WAYS, AND EASEMENTS OF RECORD.*
 - 112882012427001
 - 112882012427002
- *Section 12 Township 8 Range 28 Quarter NW; LOTS 1-4, SHORT PLAT #905, RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 905, RECORDS OF BENTON COUNTY, WASHINGTON (AF# 810721, 12/27/1979). RESTRICTIVE COVENANT AF#91-16815 9/18/91, DECLARATION OF COVENANT A#91-16816 9/18/92*
 - 112882010905001
 - 112882010905002
 - 112882010905003
 - 112882010905004
- *Section 12 Township 8 Range 28 Quarter NW; LOTS 1 AND 2 AS DELINEATED ON SHORT PLAT NO. 337, RECORDED UNDER AUDITOR'S RECORDING NO. 725132 (04/13/1977), EXCEPT: SOUTH 30 FEET OF LOT 2, RECORDS OF BENTON COUNTY, WASHINGTON. QCD, PER AUDITOR'S FILE NO. 2002-046842 (11/27/2002).*
 - 112882010337006
- *Section 12 Township 8 Range 28 Quarter NW; LOTS 3 AND SOUTH 30 FEET OF LOT 2 AS DELINEATED ON SHORT PLAT NO. 337, RECORDED UNDER AUDITOR'S RECORDING NO. 725132 (04/13/1977), RECORDS OF BENTON COUNTY, WASHINGTON. PER QCD, AUDITOR'S FILE NO. 2002-046843 (11/27/2002).*
 - 112882010337007
- *LOT 4, SHORT PLAT #337, RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 337, RECORDS OF BENTON COUNTY, WASHINGTON. (AF#725132, 4/13/1977)*
 - 112882010337004
- *That portion of the East half of the Northeast quarter of the Northwest quarter of Section 12, Township 8 North, Range 28 East, W.M, Benton County, Washington, described as*

follows: Commencing at the Northeast corner of said Northwest quarter; thence South 0°10'08" East along the East line of said Northwest quarter 80.12 feet to the South right-of-way line of a County Road known as Badger Road and the True Point of Beginning; thence continuing South 0°10'08" East along said East line 451.18 feet; thence South 86°45'17" West 241.45 feet; thence North 0°14'07" West 451.15 feet to the said South right-of-way line of Badger Road; thence North 86°45'17" East 241.98 feet to the True Point of Beginning (aka Tract A of Record Survey No. 2580). (9/20/99 AF#1999-029717) Together with and subject to easements and reservations and restrictions of record and in view. Situated in the County of Benton, State of Washington.

○ 112882000002002

- *That portion of the East half of the Northeast quarter of the Northwest quarter of Section 12, Township 8 North, Range 28 East, W.M. Benton County Washington, described as follows: Commencing at the Northeast corner of said Northwest quarter, thence South 0°10'08" East along the East line of said Northwest quarter 531.30 feet to the True Point of Beginning; thence continuing South 0°10'08" East along said East line 452.16 feet; thence South 86°45'17" West 240.93 feet, thence North 0°14'07" West 452.13 feet; thence North 86°45'17" East 241.45 feet to the said True Point of Beginning. (Also shown as Tract B of Survey recorded under Benton County Auditor's File No. 1999-003866). Together with a 30-foot easement for ingress and egress as set forth upon the face of Short Plat No. 337, recorded under Auditor's File No. 725132. Together with an easement for road purposes over the East 15 feet of the West 400 feet of the North 816 feet of the East half of the Northeast quarter of the Northwest quarter of Section 12, Township 8 North, Range 28 east W.M. except roads. (5/14/99 AF#1999-015945). Situate in the County of Benton, State of Washington.*

○ 112882000001002

Section 3. SURCHARGE.

3.1 Except as provided in this Resolution, the MC 23.2-4 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 MC 23.2-4 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 shall be determined based on construction estimates, since the work has not yet occurred, and this amount will be adjusted based on the actual costs of construction. The estimated cost for the project is \$9,595.23 per EIU.

3.4 The surcharge will be collected as follows for properties that connect to the system during construction or prior to the date established in 3.4.1:

3.4.1 In order to incentivize capital recovery, if the entire project costs are paid by April 30 following the completion of construction, the cost of the surcharge will be reduced to \$7,676.18 per EIU (if construction is completed between March 1 and April 30 of a given year, the entire project costs are due October 31 following the completion of construction).

3.4.2 If the entire project costs are not paid in full, at the reduced rate, by the date established in

3.4.1, a property owner may elect to defer the surcharge by April 1 following completion of construction (if construction is completed between March 1 and April 30 of a given year, the election to defer must be completed by October 1 following the completion of construction) 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 Ten (10) deferment surcharges, at such point, the surcharge for project cost will be recovered through an annual surcharge of \$959.52 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 ten (10) deferment surcharges, 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 the date established in 3.4.1, an annual surcharge of \$959.52 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 April 30 following the completion of construction, for ten (10) years (if construction is completed between March 1 and April 30 of a given year, the first annual surcharge is due October 31 following the completion of construction). 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 the date established in 3.4.1, an annual surcharge of \$959.52 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.

3.7 For properties that are subdividing prior to construction the legal property owner will enter into a Water Service Agreement with KID and pay the entire estimated surcharge of \$959.52 per EIU for each service within the development.

Section 4. ASSESSMENT. All properties within the MC 23.2-4 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 MC 23.2-4 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 MC 23.2-4 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 \$959.52 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 2022-39 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 20th day of September, 2022.



Gene Huffman, President



David McKenzie, Vice President



Kirk Rathbun, Director



Arland Ward, Director



Griffin Hanberg, Director