

Please return to:

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

KENNEWICK IRRIGATION DISTRICT RESOLUTION 2022-35

Authorization for Collection of Surcharges for the PLA Properties in the Highland Valley Estates 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 Highland Valley Estates 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 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 Valley Estates Benefit Area within the previously established private line area.

Section 2. HIGHLAND VALLEY ESTATES BENEFIT AREA. The Highland Valley Estates Benefit Area is hereby established to include all of the following properties described in **Exhibit A**.

Section 3. SURCHARGE.

3.1 Except as provided in this Resolution, the Highland Valley Estates 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 Valley Estates 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 \$10,422.72 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 Paragraph 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 \$8,338.18 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 Paragraph 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 payments of \$120, at such point, the surcharge for project costs will be recovered through an annual surcharge of \$1,042.27 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 payments of \$120, 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 dates established in Paragraphs 3.4.1 and 3.4.2, an annual surcharge of \$1,042.27 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 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.

3.5 For properties that connect to the system after the date established in Paragraph 3.4.1, an annual surcharge of \$1,042.27 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.

3.6 For properties that are subdividing prior to construction the legal property owner will enter into an Irrigation Water Service Agreement with KID and pay the entire estimated surcharge of \$10,422.72 per EIU for each service within the development.

Section 4. ASSESSMENT. All properties within the Highland Valley Estates 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 Valley Estates

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 Valley Estates 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 \$1,042.27 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.

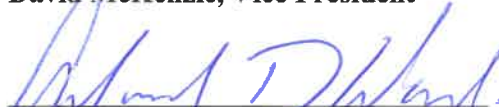
Section 9. REPEALER; FUTURE ACTIONS. Any KID act prior to and inconsistent with this Resolution is hereby superseded and repealed. Nothing in this Resolution shall limit the future authority of KID to modify, rates charges and assessments.

RESOLUTION 2022-35 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 4th day of October, 2022.


Gene Huffman, President


David McKenzie, Vice President


Kirk Rathbun, Director


Arland Ward, Director



Griffin Hanberg, Director

EXHIBIT A
Kennewick Irrigation District Resolution 2022-35
AUTHORIZATION FOR COLLECTION OF SURCHARGES FOR THE PLA PROPERTIES
IN THE HIGHLAND VALLEY ESTATES BENEFIT AREA
October 4, 2022

PARCEL LEGAL DESCRIPTIONS

- 109891020000025
 - HIGHLAND VALLEY ESTATES DIVISION #1, LOT 1, THE EAST ONE/HALF THEREOF. LESS PORTION TO CITY FOR STREET 6-12-84. LESS PORTION TO BENTON COUNTY 3-21-79. PUD EASEMENT AF#2007-022754, 07/13/2007. TOGETHER WITH HIGHLAND VALLEY ESTATES DIVISION #1, LOT 1, THE WEST ONE/HALF THEREOF. LEGAL CONSOLIDATION PER (AF#2007-026679, 08/13/2007)
- 109891020000002
 - HIGHLAND VALLEY ESTATES DIVISION #1, LOT 2. PROTECTIVE COVENANTS, 11-5-73.
- 109891011736003
 - SHORT PLAT #1736 LOT 3:
- 109891011736002
 - SHORT PLAT #1736 LOT 2:
- 109891011736001
 - SHORT PLAT #1736 LOT 1:
- 109891040000004
 - HIGHLAND VALLEY ESTATES DIVISION #2: EAST 1/2 OF LOT 4 PROTECTIVE COVENANTS :
- 109891040000024
 - HIGHLAND VALLEY ESTATES DIVISION #2: THE WEST 1/2 OF LOT 4 PROTECTIVE COVENANTS : 11/5/73
- 109891040000005
 - HIGHLAND VALLEY ESTATES DIVISION #2: THE EAST 1/2 OF LOT 5 PROTECTIVE COVENANTS : 11/5/73
- 109891040000025
 - HIGHLAND VALLEY ESTATES DIVISION #2: THE WEST 1/2 OF LOT 5 PROTECTIVE COVENANTS : 11/5/73
- 109891040000006
 - HIGHLAND VALLEY ESTATES DIVISION #2: THE EAST 1/2 OF LOT 6 PROTECTIVE COVENANTS : 11/5/73
- 109891040000026
 - HIGHLAND VALLEY ESTATES DIVISION #2: THE WEST 1/2 OF LOT 6 PROTECTIVE COVENANTS : 11/5/73
- 109891050000007
 - HIGHLAND VALLEY ESTATES DIVISION #3: THE NORTH 1/2 OF LOT 7 PROTECTIVE COVENANTS : 11/5/73
- 109891050000029

- HIGHLAND VALLEY ESTATES DIVISION #3: THE SOUTH 1/2 OF LOT 7 PROTECTIVE COVENANTS : 11/5/73
- 109891050000031
 - HIGHLAND VALLEY ESTATES DIVISION #3: THE NORTH 161 FEET OF LOT 11: LESS THE EAST 120 FEET THEREOF: AND LESS ROADS PROTECTIVE COVENANTS : 11/5/73
- 109891050000032
 - HIGHLAND VALLEY ESTATES DIVISION #3: LOT 11: LESS THE EAST 120 FEET THEREOF: AND LESS THE NORTH 161 FEET THEREOF: PROTECTIVE COVENANTS : 11/5/73
- 109891050000011
 - HIGHLAND VALLEY ESTATES DIVISION #3: THE EAST 120 FEET OF LOT 11 PROTECTIVE COVENANTS : 11/5/73
- 109891040000028
 - HIGHLAND VALLEY ESTATES DIVISION #2: THE WEST 1/2 OF LOT 12 PROTECTIVE COVENANTS : 11/5/73
- 109891040000031
 - HIGHLAND VALLEY ESTATES DIVISION #2: THE SOUTH 148.5 FEET OF EAST 161 FEET OF LOT 12 TOGETHER WITH: HIGHLAND VALLEY ESTATES DIVISION #2: LOT 12, LESS THE WEST 1/2 AND LESS THE SOUTH 148.5 FEET OF THE EAST 161 FEET THEREOF: PROTECTIVE COVENANTS: 11/5/73
- 109891040000029
 - HIGHLAND VALLEY ESTATES DIVISION #2: THE WEST 1/2 OF LOT 13 PROTECTIVE COVENANTS : 11/5/73
- 109891040000013
 - HIGHLAND VALLEY ESTATES DIVISION #2: THE EAST 1/2 OF LOT 13 PROTECTIVE COVENANTS : 11/2/73
- 109891040000030
 - HIGHLAND VALLEY ESTATES DIVISION #2: LOT 14: LESS THE EAST 161 FEET THEREOF PROTECTIVE COVENANTS : 11/5/73
- 109891040000014
 - 000014 K HIGHLAND VALLEY EST DIVIS ION 2 E 161'
- 109891020000022
 - HIGHLAND VALLEY ESTATES DIVISION #1, LOT 15, LESS THE EAST 161 FEET THEREOF. PROTECTIVE COVENANTS, 11-5-73.
- 109891020000015
 - HIGHLAND VALLEY ESTATES DIVISION #1, THE EAST 161 FEET OF LOT 15. PROTECTIVE COVENANTS, 11-5-73.
- 109891020000023
 - HIGHLAND VALLEY ESTATES DIVISION #1, LOT 16, THE WEST ONE/HALF OF LOT 16. PROTECTIVE COVENANTS, 11-5-73.
- 109891020000016
 - HIGHLAND VALLEY ESTATES DIVISION #1, LOT 16, THE EAST ONE HALF THEREOF. PROTECTIVE COVENANTS, 11-5-73.
- 109891020000024
 - HIGHLAND VALLEY ESTATES DIVISION #1, LOT 17, THE WEST 161 FEET THEREOF. PROTECTIVE COVENANTS, 11-5-73.

- 109891011946001
 - SHORT PLAT #1946, LOT 1 SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD
- 109891011946002
 - SHORT PLAT #1946, LOT 2 SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD
- 109891012057001
 - LOT 1 SHORT PLAT #2057
- 109891012057002
 - LOT 2 SHORT PLAT #2057
- 109891012057003
 - LOT 3 SHORT PLAT #2057
- 109891011933003
 - SHORT PLAT #1933, LOT 3 SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD
- 109891011933002
 - SHORT PLAT #1933, LOT 2 SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD
- 109891011933001
 - SHORT PLAT #1933, LOT 1 SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD
- 109891010170004
 - SHORT PLAT #170, LOT 2 AND LOT 3:
- 109891010170001
 - SHORT PLAT #170, LOT 1.
- 109891010806002
 - AMENDED SHORT PLAT #806, LOT 2, TOGETHER WITH LOT 3. TOGETHER WITH EASEMENT 1-12-79,
- 109891010806001
 - AMENDED SHORT PLAT #806, LOT 1:
- 109891010806004
 - AMENDED SHORT PLAT #806, LOT 4:
- 109891011071003
 - AMENDED SHORT PLAT #1071, LOT 3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
- 109891011071002
 - AMENDED SHORT PLAT #1071, LOT 2. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
- 109891011071001
 - AMENDED SHORT PLAT #1071, LOT 1. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
- 109891040000023
 - HIGHLAND VALLEY ESTATES DIVISION #2: THE WEST 161 FEET OF LOT 23 PROTECTIVE COVENANTS : 11/5/73
- 109891010011001
 - SHORT PLAT #11, LOT 1. PROTECTIVE COVENANTS 11-5-73.
- 109891010011002

- SHORT PLAT #11, LOT 2. PROTECTIVE COVENANTS 11-5-73.
- 109891050000033
 - HIGHLAND VALLEY ESTATES DIVISION #3: LOT 25: LESS THE WEST 1/2 THEREOF: PROTECTIVE COVENANTS : 11/5/73
- 109891050000025
 - HIGHLAND VALLEY ESTATES DIVISION #3: THE WEST 1/2 OF LOT 25 PROTECTIVE COVENANTS : 11/5/73
- 109891050000026
 - HIGHLAND VALLEY ESTATES DIVISION #3: THE EAST 145 FEET OF LOT 26. PROTECTIVE COVENANTS : 11/5/73
- 109891050000034
 - HIGHLAND VALLEY ESTATES DIVISION #3: THAT PORTION OF LOT 26 WHICH IS LYING WEST OF A STRAIGHT LINE WHICH IS PARALLEL TO AND 145 FEET WEST OF EAST BOUNDARY OF SAID LOT. PROTECTIVE COVENANTS : 11/5/73 KID RIGHT OF WAY ESMT 1/7/77 PUD RIGHT OF WAY ESMT 1/6/77
- 109891050000027
 - HIGHLAND VALLEY ESTATES DIVISION #3: LOT 27 PROTECTIVE COVENANTS : 11/5/73 RIGHT OF WAY PUD 1/6/77
- 109891050000028
 - HIGHLAND VALLEY ESTATES DIVISION #3: LOT 28 PROTECTIVE COVENANTS : 11/5/73
- 109891050000009
 - HIGHLAND VALLEY ESTATES DIVISION #3: LOT 9 (VOL 8-PAGE 183) PROTECTIVE COVENANTS : 11/5/73
- 109891050000030
 - HIGHLAND VALLEY ESTATES DIVISION #3: LOT 10: LESS THE EAST 175 FEET OF THE NORTH 161 FEETAS MEASURED ALONG THE EAST LINE OF SAID LOT: PROTECTIVE COVENANTS : 11/5/73
- 109891050000010
 - HIGHLAND VALLEY ESTATES DIVISION #3: THE EAST 175 FEET OF THE NORTH 161 FEET OF LOT 10 AS MEASUARED ALONG THE EAST LINE THEREOF: PROTECTIVE COVENANTS : 11/5/73
- 109891010026001
 - SHORT PLAT #26, LOT 1. PROTECTIVE COVENANTS 11-5-73.
- 109891010026002
 - SHORT PLAT #26, LOT 2. PROTECTIVE COVENANTS 11-5-73.
- 109891050000008
 - HIGHLAND VALLEY ESTATES DIVISION #3: THE WEST 1/2 OF LOT 8 PROTECTIVE COVENANTS : 11/5/73 RIGHT OF WAY EASEMENT 4/24/86: 10/7/85