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**PLEASE PRINT OR TYPE INFORMATION:**

<b>Document Title:</b> Resolution 2023-42
<b>Grantor(s)</b> (Last name first, first name, middle initials):  1. Kennewick Irrigation District 2. 3. 4. Additional names on page _____ of document.
<b>Grantee(s)</b> (Last name first, first name, middle initials):  1. Public 2. 3. 4. Additional names on page _____ of document.
<b>Legal description</b> (abbreviated: i.e., lot, block, plat or section, township, range, qtr./qtr.) Section 35, Township 9, Range 27  Additional legal is on page <u>4-5</u> of document.
<b>Reference Number(s)</b> of documents assigned or released:  Additional numbers on page _____ of document.
<b>Assessor's Property Tax Parcel/Account Number:</b> <u>(MUST HAVE 15 DIGITS)</u> 135972011633005, 135972011926001, 135972011926002, 135972011926003 Property Tax Parcel ID is not yet assigned. Additional parcel numbers on page _____ of document.
<b>The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information.</b>

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

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## **KENNEWICK IRRIGATION DISTRICT RESOLUTION 2023-42**

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### **Authorization for Collection of Surcharges for the PLA Properties in the MC 12.2-2 Benefit Area, Replacing Resolution 2023-14.**

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 12.2-2 Benefit Area; authorizing and directing actions.

#### **Section 1. RECITALS AND FINDINGS.**

**1.1** Some areas within the KID 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 12.2-2 Private Line Area (PLA) is such an area. This traditional PLA service area is currently served with gravity water from the MC 12.2 turnout. Members of this PLA have been given the opportunity to connect to the pressurized system through KID Resolution 2023-09 "Authorization for Pressurization Project Main Canal MP 12.0 Pump Station and Revising Resolution 2022-40". In addition, to pressurization, PLA members have expressed interested in the installation of a distribution system that would allow connection to the pressurized system during the 2023 water year. 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 12.2-2 Benefit Area within the previously established private line area.

**Section 2. MC 12.2-2 BENEFIT AREA.** The MC 12.2-2 Benefit Area is hereby established to include all of the following property:

- *LOT 2, SHORT PLAT 1633, ACCORDING TO THE SURVEY THEREOF RECORDED UNDER AUDITOR'S FILE NO. 88-7523, RECORDS OF BENTON COUNTY, WASHINGTON; TOGETHER WITH THAT PORTION OF LOT 1, SHORT PLAT NO. 1633, ACCORDING TO THE SURVEY THEREOF RECORDED UNDER AUDITOR'S FILE NO. 88-7523, RECORDS OF BENTON COUNTY, WASHINGTON LYING NORTH OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 00°27'40" EAST ALONG THE WEST LINE THEREOF, A DISTANCE OF 475.77 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 38°38'38" EAST, A DISTANCE OF 68.39 FEET; THENCE SOUTH 67°25'16" EAST, A DISTANCE OF 262.00 FEET; THENCE SOUTH 70°55'06" EAST, A DISTANCE OF 107.26 FEET; THENCE SOUTH 77°33'13" EAST, A DISTANCE OF 187.12 FEET; THENCE SOUTH 82°08'35" EAST, A DISTANCE OF 101.38 FEET; THENCE NORTH 73°55'50" EAST, A DISTANCE OF 218.94 FEET TO THE SOUTHEAST CORNER OF LOT 2 OF SAID SHORT PLAT AND THE TERMINUS OF SAID LINE.*
  - 135972011633005
- *LOT 1-3, SHORT PLAT NO. 1926, RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 1264 RECORDS OF BENTON COUNTY, WASHINGTON (AF#93-18579, 6/29/1993).*
  - 135972011926001
  - 135972011926002
  - 135972011926003

**Section 3. SURCHARGE.**

**3.1** Except as provided in this Resolution, the MC 12.2-2 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 12.2-2 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 \$1,358.70 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, 2024 the cost of the surcharge will be reduced to \$1,086.96 per EIU.

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 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 \$135.87 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 \$135.87 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.

3.5 For properties that connect to the system after the date established in 3.4.1, an annual surcharge of \$135.87 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 a Water Service Agreement with KID and pay the entire estimated surcharge of \$135.87 per EIU for each service within the development.

**Section 4. ASSESSMENT.** All properties within the MC 12.2-2 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 12.2-2 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.

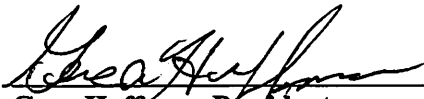
**Section 6. UNAUTHORIZED CONNECTIONS – ADDITIONAL CHARGES.** A MC 12.2-2 Benefit Area property that does not enter into an Irrigation Water Service Agreement and is later found to be connected to the system, will be charged a tampering/unauthorized access fee in accordance with KID's most recent fee 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 \$135.87 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.

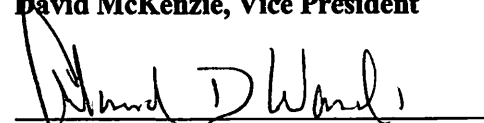
**Section 9. REPEALER; FUTURE ACTIONS.** Any KID act prior to and inconsistent with this Resolution is hereby superseded and repealed. Nothing in this Resolution shall limit the future authority of KID to modify, rates charges and assessments.

**RESOLUTION 2023-42 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 3<sup>rd</sup> day of October, 2023.

  
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**Gene Huffman, President**

  
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**David McKenzie, Vice President**

  
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**Kirk Rathbun, Director**

  
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**Arland Ward, Director**

  
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**Griffin Hanberg, Director**