

Please return to:

*Executive Assistant
Kennewick Irrigation District
12 West Kennewick Avenue
Kennewick, WA 99336*

KENNEWICK IRRIGATION DISTRICT RESOLUTION 2012-10

Formation of Royal Ann Estates Irrigation System Local Improvement District

A **RESOLUTION** of the Board of Directors of Kennewick Irrigation District (KID), Benton County, Washington, for the purpose of formation of Local Improvement District (LID) No. 194, Royal Ann Estates Irrigation System along with commencing acquisition of the irrigation system constructed at the time of subdividing of Royal Ann Estates Phases 1 and 2, and operation and maintenance of said system,

WHEREAS, the Board of Directors of KID (the Board) met in regular session on February 7th, 2012, with a quorum present, and

WHEREAS, the Board, with the assistance of the KID Engineering Department, has investigated the feasibility, cost and need of the proposed irrigation system acquisition, and the post -acquisition and post-improvement costs of continuing operations and maintenance, together with the ability of the land to pay those costs, and has found it to be feasible; and

WHEREAS, the Board, by Resolution No. 2012-04, designated February 7, 2010 for the Public Hearing, at the office of the KID, 12 West Kennewick Avenue, Kennewick, Washington, during the regularly scheduled Board meeting, providing opportunity for all interested persons desiring to show cause for or against the proposed acquisition and all objections thereto; and for determining the method of payment for LID No. 194 pursuant to RCW 87.03.485; and

WHEREAS, a majority of the holders of title or evidence of title to the lands within the proposed LID No.194, Royal Ann Estates Irrigation System consisting of the **Plat of Royal Ann Estates Phase 1, as recorded in volume 15 page 220, records of Benton County, lying in Section 14, Township 8 North, Range 29 East W.M. and of the Plat of Royal Ann Estates Phase 2, as recorded in volume 15 page 221, records of Benton County, lying in section 14 Township 8 North, Range 29 East W.M.**, shown generally on attached map, Exhibit A, were in favor of the irrigation system acquisition, and subsequent operations and maintenance by KID, either by expression at the public hearing or by implied consent in accordance with RCW 87.03.485, and

WHEREAS, the irrigation system, the current status of which is described in more detail in Exhibit B, was constructed with the construction of the subdivision and was built in accordance with KID standards and specifications at the time of construction, and was proposed to be dedicated to the KID at the time of construction, but that dedication was never completed, and

WHEREAS, the Board finds that it is in the best interest of KID to acquire ownership of the irrigation system, and to perform continuing operations and maintenance after the acquisition and improvements and upgrades, and pay for that future operations and maintenance by assessments or by rates or tolls and charges as those expenses are presently assessed or as they may be assessed by the Board in the future, and


WHEREAS, KID will provide pressurized service to the properties in the LID in 2012 and are currently assessing these properties for non-pressurized service, the difference in the tolls will be charged as part of the LID 194 assessments as interim 2012 pressurized service operating and maintenance tolls in amounts estimated in the preliminary assessment roll, Exhibit C.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE KENNEWICK IRRIGATION DISTRICT, BENTON COUNTY, WASHINGTON, HEREBY:


- 1) **Establishes an LID and orders:**
 - a. The acquisition of the irrigation system described in Exhibit B;
- 2) **Authorizes and directs the KID Treasurer to create and establish in her office for KID a fund to be known and designated as “Acquisition and Interim Operations and Maintenance Fund of LID No. 194” for the purposes of carrying out the acquisition ordered by this resolution and of paying the costs and expenses connected the acquisition and the interim 2012 pressurized service operating and maintenance tolls. There shall be deposited into the LID fund any and all money received by or available to KID to be used for such purposes;**
- 3) **Authorizes and directs the KID Treasurer to treat the acquired and improved irrigation system for operations and maintenances assessment purposes in 2013 and future years as a pressurized service area and charge against the lands in the LID assessments, rates or tolls and charges in accordance with the current tiered toll system established for other pressurized service area lands and continue to charge those lands for operations and maintenance in accordance with the assessments and/or rates or tolls and charges or by such other method adopted in the future by the KID Board;**
- 4) **Authorizes and directs the KID Treasurer to calculate for each parcel within the LID the difference between the non-pressurized service toll assessed in the 2012 assessment roll and the amounts due for pressurized service under the 2012 tiered toll structure, add that amount to the LID assessment for each parcel, and to pay said funds, when collected, from the Acquisition and Interim Operations and Maintenance Fund of LID No. 194 over to the KID general fund to pay for interim 2012 pressurized service operations and maintenance.**
- 5) That the Water Users are deemed to agree as a condition of water delivery as follows:
 - i. The LID participants will elect a Watermaster from among themselves, as follows:
 - a. Election of First Watermaster. The first Watermaster shall be elected prior to April 1, 2011, and shall be elected as described in paragraph d. below.

- b. Resignation of Watermaster. If the Watermaster resigns, the parties shall meet at a place and time designated by the resigning Watermaster in a written notice and elect a new Watermaster, or if the Watermaster does not designate a time and a place for such a meeting, the parties shall meet at a time and a place first designated in writing by two of the parties hereto to elect a new Watermaster.
- c. Death or Incapacity of Watermaster. If the Watermaster dies or becomes incapacitated, the parties shall meet at a time and a place first designated in writing by two of the parties hereto to elect a new Watermaster.
- d. Elections and Replacement of Watermaster. The Watermaster shall be assigned by the elected members of the Royal Ann Estates Homeowner Association Board of Directors. If the Homeowner's Association defaults or stops functioning, the Watermaster shall be elected by and may be replaced by a sixty percent (60%) majority of the Water Users participating in the LID at an election called for by a majority of the properties that are subject hereto. Each property shall have one (1) vote. If more than one person owns a property, the owners of the property shall designate in writing the person who shall have the right to vote for that property. If the owners of the property cannot agree on the person who shall vote for the property, that property shall have no vote in the election. The owners' properties which are calling for an election or replacement of a new Watermaster shall give or cause the other parties to be given a written notice stating the place and time of the election. Any notice required under this paragraph, which notice shall be mailed by U.S. Mail as certified mail to the common address identified above for the property not more than thirty days and not less than ten days prior to the election. Any election held hereunder shall be held in Benton County, Washington, between 6:00 p.m. and 9:00 p.m.
- ii. Powers and Duties of Watermaster. The Watermaster shall have the power and it shall be his or her duty to take all actions reasonably necessary to fulfill the purposes of this agreement, including but not limited to:
 - a. Provide a primary point of contact for KID to communicate system problems, outages, schedules, drought mitigation measures, etc.
 - b. Assist KID in providing the LID participants information regarding system problems, outages, water schedules, drought mitigation measures, etc.
- iii. Qualified Immunity of Watermaster from Liability. The Watermaster shall not be liable for any damages caused to the parcels or persons subject hereto so long as the Watermaster acts in good faith.
- iv. No water delivery unless a Watermaster is performing duties. If at any time a Watermaster no longer is performing his/her duties, as outlined above, for more than 30 days, KID will stop water delivery to the participants of the LID until a new Watermaster has been elected.
- v. Alternate Watermaster. An alternate Watermaster may be elected in the same manner as described above for the Watermaster. This alternate Watermaster can function as Watermaster for a limited time, not to exceed 60 days, in case of the elected Watermaster being unavailable.


RESOLUTION 2012-10 IS HEREBY ADOPTED by the Board of Directors of Kennewick Irrigation District, Benton County, Washington, at a regular open public meeting thereof this 7th day of February, 2012.



John A. Jaksch




Kirk Rathbun



Patrick McGuire



David McKenzie



Gene Huffman

Exhibit A

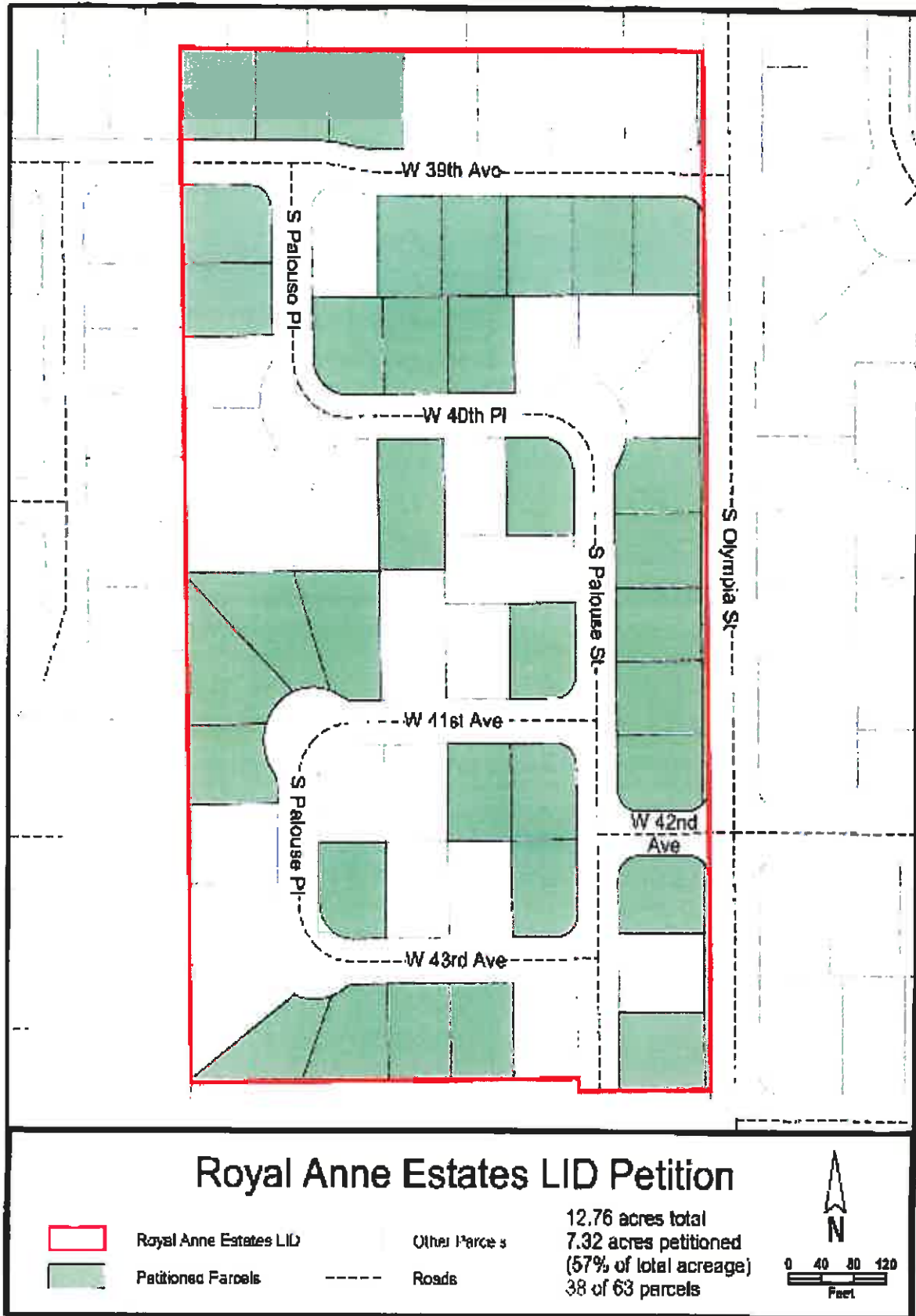


Exhibit B

Irrigation distribution facilities, constructed in accordance with construction plans sealed by Gary Hall titled Royal Ann Estates approved by the City of Kennewick on April 21, 2003 and revised May 3, 2004 and June 3, 2004, in their current state including but not limited to the following:

- 1) 63 Service Risers
- 2) Approximately 1400 lineal feet of 6" Class 200 PVC Pipe and appurtenant fittings and valves
- 3) Approximately 2860 lineal feet of 4" Class 200 PVC Pipe and appurtenant fittings and valves
- 4) Approximately 2160 lineal feet of 3" Class 200 PVC Pipe and appurtenant fittings and valves
- 5) Approximately 2060 lineal feet of 2" Class 200 PVC Pipe and appurtenant fittings and valves
- 6) 6 Pressure Control Stations
- 7) 7 Air Release Valves and appurtenant fittings
- 8) 4 Blow-offs and appurtenant fittings

Exhibit C
Royal Ann Estates LID Preliminary Assessment Roll

Parcel Number	Local Address	Owner 1	Owner 2	Acres	Proposed LID Charge/Acre	Increased Cost of Pressurized Vs. Non-Pressurized Service	Total LID Charge	Repayment Years
114894060002004	1511 W 39TH AVE, KENNEWICK, WA, 99337,	ANDRICK WILLIAM K & JOANNE E		0.197	\$ 313.41	\$ 100.00	\$ 161.74	1
114894070001011	1519 W 43RD AVE, KENNEWICK, WA, 99337,	BAKER KEVIN F & NATALIE J		0.204	\$ 313.41	\$ 100.00	\$ 163.93	1
114894060001004	1514 W 39TH AVE, KENNEWICK, WA, 99337,	BARNETT JASON D	BARNETT KATHRYN R	0.226	\$ 313.41	\$ 100.00	\$ 170.83	1
114894070002001	1509 W 41ST AVE, KENNEWICK, WA, 99337,	BASTIN JERRY W & DIANE C		0.188	\$ 313.41	\$ 100.00	\$ 158.92	1
114894060001007	1612 W 39TH AVE, KENNEWICK, WA, 99337,	BENTON BRUCE & NORENE		0.207	\$ 313.41	\$ 100.00	\$ 164.88	1
114894070001010	1601 W 43RD AVE, KENNEWICK, WA, 99337,	BOSLEY GARY G & KERYL D		0.204	\$ 313.41	\$ 100.00	\$ 163.93	1
114894060002010	1508 W 40TH PL, KENNEWICK, WA, 99337,	BOTTINEAU LYDA J		0.182	\$ 313.41	\$ 100.00	\$ 157.04	1
114894060002005	1519 W 39TH AVE, KENNEWICK, WA, 99337,	CHAMBERS CHUKKAR A & KATHERYN S		0.208	\$ 313.41	\$ 100.00	\$ 165.19	1
114894060003011	4010 S PALOUSE ST, KENNEWICK, WA, 99337,	COATS JOHNATHAN J & AMANDA L		0.192	\$ 313.41	\$ 100.00	\$ 160.17	1
114894060002009	1512 W 40TH PL, KENNEWICK, WA, 99337,	DANIEL JUSTIN & KRISTEN		0.193	\$ 313.41	\$ 100.00	\$ 160.49	1
114894060003005	1601 W 40TH PL, KENNEWICK, WA, 99337,	DARLING ANTHONY J & TAMMY J		0.284	\$ 313.41	\$ 120.00	\$ 209.01	1
114894070002003	1521 W 41ST AVE, KENNEWICK, WA, 99337,	DELA CRUZ CHRISTOPHER A & LEANN M		0.19	\$ 313.41	\$ 100.00	\$ 159.55	1
114894070002002	1515 W 41ST AVE, KENNEWICK, WA, 99337,	DEVOIR JOI L & CASEY R		0.187	\$ 313.41	\$ 100.00	\$ 158.61	1
114894060002003	1507 W 39TH AVE, KENNEWICK, WA, 99337,	DICKINSON CRAIG & JODEE		0.195	\$ 313.41	\$ 100.00	\$ 161.11	1
114894070003002	4119 S PALOUSE ST, KENNEWICK, WA, 99337,	DILGER MICHAEL	BLUME CONNIE	0.207	\$ 313.41	\$ 100.00	\$ 164.88	1
114894060002015	4009 S PALOUSE ST, KENNEWICK, WA, 99337,	ENNER BRIAN		0.195	\$ 313.41	\$ 100.00	\$ 161.11	1
114894060002012	1500 W 40TH PL, KENNEWICK, WA, 99337,	ESPINOZA SR RUBEN & KANDACE		0.221	\$ 313.41	\$ 100.00	\$ 169.26	1
114894060001005	1518 W 39TH AVE, KENNEWICK, WA, 99337,	FERRAN JR RENE J & JUDY L		0.22	\$ 313.41	\$ 100.00	\$ 168.95	1
114894060002013	4001 S PALOUSE ST, KENNEWICK, WA, 99337,	FERRAN JR RENE J & CATHY K		0.188	\$ 313.41	\$ 100.00	\$ 158.92	1
114894060003002	3904 S PALOUSE PL, KENNEWICK, WA, 99337,	FISCHER CAMERON G & LORI R		0.196	\$ 313.41	\$ 100.00	\$ 161.43	1
114894060002001	1501 W 39TH AVE, KENNEWICK, WA, 99337,	GARCIA MARTIN E & ALMA L		0.19	\$ 313.41	\$ 100.00	\$ 159.55	1
114894070001012	1513 W 43RD AVE, KENNEWICK, WA, 99337,	GLOSSBRENNER ELLWOOD T	BLACK ERICA J	0.186	\$ 313.41	\$ 100.00	\$ 158.29	1
114894070001003	1520 W 41ST AVE, KENNEWICK, WA, 99337,	HAAN ERIC D & AMANDA M		0.265	\$ 313.41	\$ 120.00	\$ 208.05	1
114894070003001	4113 S PALOUSE ST, KENNEWICK, WA, 99337,	HARRIS RONALD E		0.199	\$ 313.41	\$ 100.00	\$ 162.37	1
114894070001002	1514 W 41ST AVE, KENNEWICK, WA, 99337,	HART JEREMIAH & JENNA		0.264	\$ 313.41	\$ 120.00	\$ 202.74	1
114894060002016	4103 S PALOUSE ST, KENNEWICK, WA, 99337,	HOFFMAN TONY A & MINDY M		0.195	\$ 313.41	\$ 100.00	\$ 161.11	1
114894060003010	4006 S PALOUSE ST, KENNEWICK, WA, 99337,	HOGAN TERRY D & VALERIE K		0.268	\$ 313.41	\$ 120.00	\$ 203.99	1
114894070003003	4201 S PALOUSE ST, KENNEWICK, WA, 99337,	HOWARD KEVIN V & CHRISTINE M		0.207	\$ 313.41	\$ 100.00	\$ 164.88	1
114894060003003	3908 S PALOUSE ST, KENNEWICK, WA, 99337-395	HOWE THERESE L		0.183	\$ 313.41	\$ 100.00	\$ 157.35	1
114894070002007	1502 W 43RD AVE, KENNEWICK, WA, 99337,	INGALLS STEPHEN L & BRENDA L		0.19	\$ 313.41	\$ 100.00	\$ 159.55	1
114894060002002	1503 W 39TH AVE, KENNEWICK, WA, 99337,	Jameson Michele		0.187	\$ 313.41	\$ 100.00	\$ 158.61	1
114894070001005	1608 W 41ST AVE, KENNEWICK, WA, 99337,	LEWCELL LLC		0.275	\$ 313.41	\$ 120.00	\$ 206.19	1
114894060001002	1506 W 39TH AVE, KENNEWICK, WA, 99337,	LYLE LOMAN R		0.226	\$ 313.41	\$ 100.00	\$ 170.83	1
114894060003009	4002 S PALOUSE ST, KENNEWICK, WA, 99337,	Madden John & Peggy		0.191	\$ 313.41	\$ 100.00	\$ 159.86	1
114894070001009	1607 W 43RD AVE, KENNEWICK, WA, 99337,	MALDONADO ARTEMIO JR T		0.218	\$ 313.41	\$ 100.00	\$ 168.32	1
114894070001014	1501 W 43RD AVE, KENNEWICK, WA, 99337,	MANZO JUAN G		0.19	\$ 313.41	\$ 100.00	\$ 159.55	1
114894060002007	1520 W 40TH PL, KENNEWICK, WA, 99337,	MAY TIMOTHY B & ELLEN J		0.2	\$ 313.41	\$ 100.00	\$ 162.68	1
114894070001013	1507 W 43RD AVE, KENNEWICK, WA, 99337,	MEEHAN PATRICK K & MARION A		0.186	\$ 313.41	\$ 100.00	\$ 158.29	1
114894060002005	1515 W 39TH AVE, KENNEWICK, WA, 99337,	MILLER DALLAS L & DENISE Y		0.199	\$ 313.41	\$ 100.00	\$ 162.37	1
114894060002017	4107 S PALOUSE ST, KENNEWICK, WA, 99337,	MOORE WILLIAM P & MARIA A		0.198	\$ 313.41	\$ 100.00	\$ 162.05	1
114894070001001	1508 W 41ST AVE, KENNEWICK, WA, 99337,	MOSLEY TRUSTEE NELL		0.188	\$ 313.41	\$ 100.00	\$ 158.92	1
114894060001006	1606 W 39TH AVE, KENNEWICK, WA, 99337,	NESSIT MATTHEW		0.205	\$ 313.41	\$ 100.00	\$ 164.25	1
114894070002005	1512 W 43RD AVE, KENNEWICK, WA, 99337,	NGUYEN MINH ANH		0.187	\$ 313.41	\$ 100.00	\$ 158.61	1
114894070001008	1506 W 43RD AVE, KENNEWICK, WA, 99337,	NGUYEN MINH ANH		0.187	\$ 313.41	\$ 100.00	\$ 158.61	1
114894070001008	4112 S PALOUSE PL, KENNEWICK, WA, 99337,	OGLE ROBERT M & VALARIE A		0.199	\$ 313.41	\$ 100.00	\$ 162.37	1
114894070001004	1602 W 41ST AVE, KENNEWICK, WA, 99337,	O'NEIL FARMS		0.27	\$ 313.41	\$ 120.00	\$ 204.62	1

Parcel Number	Local Address	Owner 1	Owner 2	Acres	Proposed LID Charge/Acre	Increased Cost of Pressurized Vs. Non-Pressurized Service	Total LID Charge	Repayment Years
114894060001001	1502 W 39TH AVE, KENNEWICK, WA, 99337,	RAMOS TRINIDAD		0.216	\$ 313.41	\$ 100.00	\$ 167.70	1
114894060002011	1504 W 40TH PL, KENNEWICK, WA, 99337,	ROGERS JULIANN E & TRAVIS M		0.239	\$ 313.41	\$ 100.00	\$ 174.90	1
114894070001007	4106 S PALOUSE PL, KENNEWICK, WA, 99337,	ROSE ROBERT L & KATHLEEN S		0.216	\$ 313.41	\$ 100.00	\$ 167.70	1
114894060005000	NOT ASSIGNED, KENNEWICK, WA, 99337,	ROYAL ANN ESTATES HOMEOWNER ASSA		0.015	\$ 313.41	-	\$ 4.70	1
114894070004000	4244 S OLYMPIA ST, KENNEWICK, WA, 99336,	ROYAL ANN ESTATES HOMEOWNER ASSA		0.037	\$ 313.41	-	\$ 11.60	1
114894060006000	NOT ASSIGNED, KENNEWICK, WA, 99337,	ROYAL ANN ESTATES HOMEOWNER ASSA		0.104	\$ 313.41	\$ 85.00	\$ 117.59	1
114894060002014	4005 S PALOUSE ST, KENNEWICK, WA, 99337,	SALAZAR PETER M & BRANDI M		0.276	\$ 313.41	\$ 120.00	\$ 206.50	1
114894060003006	1519 W 40TH PL, KENNEWICK, WA, 99337,	STEVENS LARRY T & SHIRLEY RAE		0.195	\$ 313.41	\$ 100.00	\$ 161.11	1
114894060004001	1505 W 41ST AVE, KENNEWICK, WA, 99337,	STOCK FREDERICK A & DIANE G		0.191	\$ 313.41	\$ 100.00	\$ 159.86	1
114894060001003	1510 W 39TH AVE, KENNEWICK, WA, 99337,	TATON ROGER S & KELLY D		0.226	\$ 313.41	\$ 100.00	\$ 170.83	1
114894060003001	1611 W 39TH AVE, KENNEWICK, WA, 99337,	THEPVONGSA SINGHA & IGNACIA		0.205	\$ 313.41	\$ 100.00	\$ 164.25	1
114894060002008	1516 W 40TH PL, KENNEWICK, WA, 99337,	TORRES JAVIER & LAURA		0.193	\$ 313.41	\$ 100.00	\$ 160.49	1
114894070002004	1518 W 43RD AVE, KENNEWICK, WA, 99337,	VIENNEAU RICHARD M & CEFERINA		0.19	\$ 313.41	\$ 100.00	\$ 159.55	1
114894060003004	1605 W 40TH PL, KENNEWICK, WA, 99337,	WAUD CHRISTOPHER D & ANDREAS S		0.275	\$ 313.41	\$ 120.00	\$ 206.19	1
114894060003007	1515 W 40TH PL, KENNEWICK, WA, 99337,	WEYH MATTHEW J	WEYH STEPHANIE L	0.265	\$ 313.41	\$ 120.00	\$ 203.05	1
114894060003008	1511 W 40TH PL, KENNEWICK, WA, 99337,	WOODS RYAN A		0.184	\$ 313.41	\$ 100.00	\$ 157.67	1
114894070001006	4100 S PALOUSE PL, KENNEWICK, WA, 99337,	YNIGUEZ PEDRO & KIRSTEN		0.199	\$ 313.41	\$ 100.00	\$ 162.37	1

*Actual assessments may vary from assessment estimates (See RCW 87.03.486)

Summary:

Acquisition Charge	Acres	Cost/Acre	Increased Assessment Charge	Total LID Assessment
\$ 4,000.00	12.76	\$ 313.41	\$ 6,265.00	\$ 10,265.00