

*Please return to:*

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

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## **KENNEWICK IRRIGATION DISTRICT RESOLUTION 2018-28**

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### **Approving Jolianna Heights Voluntary Mitigation Agreement**

A **RESOLUTION** of the Board of Directors of Kennewick Irrigation District (KID), Benton County, Washington, for the purpose of approving a development agreement with TLH Enterprise Inc., a Washington Corporation (hereinafter “Developer”),

**WHEREAS**, the Board of Directors of KID (the Board) met in regular session on November 6, 2018, with a quorum present, and

**WHEREAS**, the Property is proposed for subdivision into a development known as “Jolianna Heights” consisting 28.42 acres, of which 27.67 acres are classified as irrigable, which are proposed to be subdivided into 55 lots and legally described as follows;

- **Parcel 1-2798-200-0009-000**

1970 Marlette Marlette 23 x 59: THOSE PARTS OF THE NORTH 1/2 OF THE NORTHWEST QUARTER AND THE NORTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST QUARTER, LYING NORTHEASTERLY OF CENTER LINE OF BADGER EAST LATERAL OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 28. LESS THE WEST 465 FEET THEREOF: LESS THAT PORTION DEFINED AS FOLLOWS: THE NORTH 295 FEET OF THE EAST 283' OF THE WEST 748' (FOOTAGE CORRECTED 2/3/69 & 8/25/69), AS MEASURED PARALLEL WITH THE NORTH AND WEST LINES OF THE NORTHWEST QUARTER NORTHWEST QUARTER, EXCEPT ROAD RIGHT OF WAY: ALSO LESS THE EAST 283 FEET OF THE WEST 748 FEET OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER AS MEASURED PARALLEL TO THE WEST LINE OF SAID SUBDIVISION, LYING NORTH OF THE BADGER EAST LATERAL CANAL KENNEWICK DIVISION YAKIMA RECLAMATION PROJECT, EXCEPT THE NORTH 295 FEET THEREOF RESERVING TO GRANTOR AND ASSIGNS AND EASEMENT FOR INGRESS AND EGRESS OVER A STRIP ETC. LESS PORTION BEGINNING AT A POINT ON THE NORTH LINE OF SAID SUBDIVISION WHICH IS SOUTH 89°52'30” EAST 748 FEET FROM THE NORTHWEST CORNER THEREOF. THENCE SOUTH 1°25' WEST PARALLEL WITH THE WEST LINE OF SAID SUBDIVISION 1060.50 FEET. THENCE NORTH 38°25' EAST 276 FEET. THENCE NORTH 57°07' EAST 166.10 FEET. THENCE NORTH 39°02' EAST 293.80 FEET. THENCE NORTH 1°31'25” EAST 524.63 FEET TO A POINT ON THE NORTH LINE OF SAID SUBDIVISION. THENCE NORTH 89°52'30” WEST ALONG SAID NORTH LINE 483.75 FEET TO THE POINT OF BEGINNING. EXCEPT THE NORTH 10 FEET THEREOF: TGW ESMT. ALSO THAT PORTION OF THE SOUTH 10 FEET OF THE NORTH 20 FEET OF THE

NORTHWEST QUARTER LYING EAST OF PARCEL A. TOGETHER WITH EASEMENTS LESS ALL THAT PORTION OF NORTHWEST QUARTER LYING EAST & NORTH OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER. THENCE WESTERLY ALONG THE NORTH LINE THEREOF 25.43 FEET TO THE TRUE POINT OF BEGINNING OF SAID DESCRIBED LINE. THENCE SOUTHERLY PARALLEL WITH THE EAST LINE OF SAID NORTHWEST QUARTER NORTHWEST QUARTER, 571.10

hereinafter referred to as the “Property.”

**WHEREAS**, the Property is being developed into a residential subdivision within the Benton County boundaries; and

**WHEREAS**, the Property is owned by the Developer and has an allotment of irrigation water from KID; and

**WHEREAS**, RCW 58.17.310 requires that irrigation water rights-of-way be provided for each parcel of land, and also requires that, if the subdivision lies within land within an irrigation district classified as irrigable, completed irrigation water distribution facilities for such land may be required by the irrigation district by resolution as a condition for approval of the short plat or final plat by the legislative authority of the city, town, or county; and

**WHEREAS**, KID Resolution 86-15A requires completed irrigation facilities as a condition for approval of the short plat or final plat; and

**WHEREAS**, KID Policy 4.19 “Standard Specifications” specifies what comprises completed irrigation facilities; and

**WHEREAS**, the KID staff are drafting a comprehensive plan (“South Richland Irrigation Master Plan”) for the general area that includes this Property, and will be able to provide direction as to the location and specifics for pipe distribution system as it relates to the proposed Subdivision; and

**WHEREAS**, the preliminary plat for the Subdivision was submitted prior to comprehensive plan approval and is not required to fulfill the requirements of the comprehensive plan; and

**WHEREAS**, the Developer agrees to be responsible for making irrigation improvements on the Property, but has not completed the construction of a pond, pump station, and appurtenant facilities to provide pressurized irrigation water to the Subdivision as a completed irrigation facility; and

**WHEREAS**, the Developer and KID mutually agree that it is in each of their best interest for the Developer to contribute funds towards KID’s planned regional system or provide other agreed upon contributions to provide service to the Subdivision with irrigation water; and

**WHEREAS**, the Developer desires to contribute funds to KID equal to what would be the mutually agreed cost of constructing a pond facility, which is estimated at \$141,540.63, an amount determined by the Developers engineering consultant and verified and approved by KID; and

**WHEREAS**, KID agrees, at its own costs, to compensate the Developer for an irrigation infrastructure upsizing for the benefit of properties outside the defined subdivision boundary; and

**WHEREAS**, the KID agrees to reimburse the Developer for pipeline upsizing within the property in an amount of \$252,875.72, an amount mutually agreed upon by the Developer and KID; and

**WHEREAS**, the KID cannot approve of any Final Plat phases of the Property unless completed irrigation systems are installed or bonded for, or the KID Board of Directors approves by resolution an acceptable security that creates a lien against the Property; and

**WHEREAS**, the parties desire to set forth their agreements on how said Voluntary Mitigation Agreement will be constructed, operated, maintained, replaced, and bettered for their mutual benefit and for the benefit of their heirs, assigns and successors;

**NOW, THEREFORE, BE IT RESOLVED** that the attached "Jolianna Heights Voluntary Mitigation Agreement" is approved.

**RESOLUTION 2018-28 IS HEREBY ADOPTED** by the Board of Directors of Kennewick Irrigation District, Benton County, Washington, at a regular open public meeting thereof this 6<sup>th</sup> day of November, 2018.

**ABSENT**

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**Dean Dennis**

  
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**Kirk Rathbun**

  
\_\_\_\_\_  
**Gene Huffman**

  
\_\_\_\_\_  
**David McKenzie**

  
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**Raman Venkata**