

RESOLUTION NO. 1489

A RESOLUTION of the Board of Commissioners of Public Utility District No.1 of Okanogan County relating to the acquisition by eminent domain of certain properties and property interests required for the installation and maintenance of structures and other improvements necessary for the possession, use, development and construction of facilities and infrastructure to support the implementation of the District's Methow Transmission Project and for use by the public for the transmission and distribution of electrical power within the District, describing the public convenience, use, and necessity of such properties and property interests; providing for condemnation, appropriation and use of the property interests, providing the mode of payment for cost of acquisition of the property interests, and directing the District's legal counsel and its designees to prosecute an action in Okanogan Superior Court in the event that efforts to acquire the property interests are not successful.

WHEREAS, there exists within the District certain properties and certain property interests identified in Exhibit 1 attached hereto, and which are located within the corridor designated by the District for the installation and maintenance of the transmission line to be constructed as part of the Methow Transmission Project; and

WHEREAS, all parties have been previously notified by certified mail and by publication as required by law; and

WHEREAS, all parties and/or their legal counsel have been provided with surveys showing the exact location of the proposed easements over their properties; and

WHEREAS; the Board of Commissioners finds that acquisition and use of easements over said properties is critical to the District's public purposes and it is in the public interest to acquire such easements in order to fulfill the District's mission of providing safe, reliable and cost-effective electrical power for its customers; and

WHEREAS, the District prefers to acquire property interests necessary to construct and maintain the Methow Transmission Project through negotiations with the owners of the property over which those easements must run, and while the District and its employees and agents have undertaken negotiations to acquire all necessary easements, time is of the essence and the District may be unable to acquire those easements through negotiation; and

WHEREAS, the District derives its condemnation authority pursuant to RCW 54.16.020, which provides that the District's condemnation authority shall be exercised in the same manner and by the same procedure as is provided for the exercise of that power by cities and towns of the state in the acquisition of property and property rights; and

WHEREAS, based on the foregoing, the Board of Commissioners of Public Utility District No. 1 of Okanogan County finds that it is necessary to acquire the subject property interests by eminent domain, now therefore,

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF PUBLIC UTILITY DISTRICT NO. 1 OF OKANOGAN COUNTY as follows:

Section 1. Description. The real property interests (easements) that are the subject of this resolution are to run over and across the real property described in Exhibit 1, and that description is incorporated herein by this reference.

Section 2. Public Use and Necessity. The public's use and necessity requires the acquisition of the real property interests described in Section 1 for possession, ownership, development, construction and maintenance of structures and infrastructure necessary to construct and maintain transmission line and support structures and other infrastructure necessary for the Methow Transmission Project, in order to allow for the safe and reliable transmission and distribution of electrical power to the District's customers.

Section 3. Condemnation of Property. The real property interests (easements) over and across the real property described in Section 1 herein are hereby condemned and appropriated and taken for the purposes described in Section 2 herein, only after just compensation has been made, or paid into the Court for the Owner thereof in a manner provided by law; provided, however, that the District may seek "early possession" as provided by statute.

Section 4. Costs of Acquisition. The costs of the acquisition provided for by this resolution shall be paid by the general fund of Okanogan County Public Utility District No.1, or such other funds of the District as may be provided by law.

Section 5. Direction to and Authority of the District's Legal Counsel and Designees. The District's staff is hereby directed to continue negotiations with any interested owner(s) to acquire the property interests described in Section 1 above. Pursuant to its authority, the District elects to opt out of the provisions of RCW 8.26.035 through 8.26.115. The District's legal counsel and/or its designee is hereby authorized and directed to begin and to prosecute actions and proceedings in a manner provided by law to condemn, take, damage and appropriate the real property interests necessary to carry out the provisions of this resolution. In conducting such condemnation proceedings, the District's legal counsel is hereby authorized to enter into stipulations for the purpose of minimizing damages and/or providing for "early possession" of such property interests.

Section 6. Severability - Construction.

- (1) If a section, subsection, paragraph, sentence, clause, or phrase of this resolution is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this resolution.
- (2) If the provisions of this resolution are found to be inconsistent with other provisions of the District's adopted procedures and policies, this resolution is deemed to control.

Section 7. Effective Date. This resolution shall take effect and be in full force and effect upon passage.

Passed by the Board of Commissioners this 18th day of August, 2009.



Trish Butler, President


ATTEST:



David A. Womack, Vice President

Ernest J. Bolz, Secretary

APPROVED AS TO FORM:



Michael D. Howe, General Counsel
Okanogan County PUD

Resolution No. 1489 - Exhibit 1

The following parcels are all located in the County of Okanogan, State of Washington:

PARCEL NO. 3023142001 (D. Gebbers)

THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 30 NORTH, RANGE 23 EAST, W.M.,

PARCEL NO. 3023142004 (D. Gebbers)

THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 30 NORTH, RANGE 23 EAST, W.M.

PARCEL NO. 3023143001 (D. Gebbers)

THE NORTHEAST OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 30 NORTH, RANGE 23 EAST, W.M.

PARCEL NO. 3023144002 (D. Gebbers)

THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 30 NORTH, RANGE 23 EAST, W.M.

PARCEL NO. 3023144003 (D. Gebbers)

THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 30 NORTH, RANGE 23 EAST, W.M.

PARCEL NO. 3023151002 (D. Gebbers)

THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 30 NORTH, RANGE 23 EAST, W.M.

PARCEL NO. 3023151003 (D. Gebbers)

THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 30 NORTH, RANGE 23 EAST, W.M.

PARCEL NO. 3023151001 (D. Gebbers)

THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 30 NORTH, RANGE 23 EAST, W.M.

PARCEL NO. 3023154000 (D. Gebbers)

THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 30 NORTH, RANGE 23 EAST, W.M.

PARCEL NO. 3023103000 (D. Gebbers)

THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 30 NORTH, RANGE 23 EAST, W.M.

PARCEL NO. 3023092000 (D. Gebbers)

THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 30 NORTH, RANGE 23 EAST, W.M.

PARCEL NO. 3023080001 (Gamble Land)

SECTION 8, TOWNSHIP 30 NORTH, RANGE 23 EAST, W.M., THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER LYING NORTHEAST OF SHAW ROAD.

PARCEL NO. 3123323004 (Gamble Land)

THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 31 NORTH, RANGE 23 EAST, W.M.

PARCEL NO. 3123314005 (Gamble Land)

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND GOVERNMENT LOT 1, SECTION 31, TOWNSHIP 31 NORTH, RANGE 23 EAST, W.M.

PARCEL NO. 3122264003 (Gamble Land)

THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 31 NORTH, RANGE 22 EAST, W.M.

PARCEL NO. 3122271005 (Gamble Land)

SECTION 27, TOWNSHIP 31 NORTH, RANGE 22 EAST, W.M. THE EAST HALF OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER.

PARCEL NO. 3122031004 (Mac & Cass)

GOVERNMENT LOT 2 OF SECTION 3, TOWNSHIP 31 NORTH, RANGE 22 EAST, W.M.

PARCEL NO. 3222221005 (Lost River)

THE NORTH HALF OF THE NORTHEAST QUARTER, AND THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 32 NORTH, RANGE 22 EAST, W.M.

PARCEL NO. 3222114003 (Weaver)

THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 32 NORTH, RANGE 22 EAST, W.M., OKANOGAN COUNTY WASHINGTON.

PARCEL NO. 3322270018 (Davis)

THAT PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 33 NORTH, RANGE 22 EAST, W.M., LYING SOUTH AND WEST OF THE STATE HIGHWAY NO. 153. EXCEPT THAT PORTION CONVEYED TO COUNTY OF OKANOGAN FOR ROAD PURPOSES.

PARCEL NO. 3023144001 (D. Gebbers)

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 30 NORTH, RANGE 23 EAST, W.M., EXCEPTING THEREFROM THAT ARE CONTAINING ONE ACRE DESCRIBED AS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 30 NORTH, RANGE 30 EAST, W.M.; THENCE WEST 147.2 FEET; THENCE SOUTH 295 FEET; THENCE EAST 147.2 FEET; THENCE NORTH 195 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 3023113002 (D. Gebbers)

THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 30 NORTH, RANGE 23 EAST, W.M.

PARCEL NO. 3023141004 (D. Gebbers)

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 30 NORTH, RANGE 23 EAST, W.M.

PARCEL NO. 3123314003 (Gamble)

GOVERNMENT LOT 2 OF SECTION 31, TOWNSHIP 31 NORTH, RANGE 23 EAST, W.M.

PARCEL NO. 3122360022 (Gamble)

LOT 9, PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER LB; PART OF LOT 9 OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, LOT 1 OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER LESS THE SOUTH 31 FEET AND THE WEST 672 FEET AND PART SOUTH OF THE COUNTY ROAD; THE SOUTH 31 FEET AND THE WEST 672 FEET OF LOT 1 OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER IN SECTION 36, TOWNSHIP 31 NORTH, RANGE 22 EAST, W.M.

PARCEL NO. 3123313004 (Gamble)

GOVERNMENT LOT 4 OF SECTION 31, TOWNSHIP 31 NORTH, RANGE 23 EAST, W.M.

PARCEL NO. 3122360006 (Gamble)

GOVERNMENT LOT 9, (FRACTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER) SECTION 36, TOWNSHIP 31 NORTH, RANGE 22 EAST, W.M. SAVE AND EXCEPT THAT CERTAIN PARCEL DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE NORTH 0° 42' EAST, 817 FEET TO THE CENTER LINE OF STATE HIGHWAY, AS NOW AND ON NOVEMBER 19, 1956, LOCATED: THENCE NORTH 79° 07' WEST, 883.7 FEET TO POINT IN CENTER LINE OF SAID STATE HIGHWAY; THENCE NORTH 37° 53' EAST, 44.9 FEET TO NORTH BOUNDARY OF SAID STATE HIGHWAY AND THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING, RUN NORTH 37° 53' EAST, TO THE NORTH LINE OF GOVERNMENT LOT 9; THENCE EAST ALONG SAID NORTH LINE OF SAID GOVERNMENT LOT 9, A DISTANCE OF 85 FEET, MORE OR LESS, TO THE NORTHWESTERLY RIGHT OF WAY LINE OF THE COUNTY ROAD, AS NOT AND ON NOVEMBER 19, 1956, LOCATED (SAID ROAD BEING AN OILED ROAD); THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY RIGHT OF WAY OF SAID COUNTY ROAD TO AN INTERSECTION WITH THE NORTH BOUNDARY OF SAID STATE HIGHWAY; THENCE NORTH 79° 07' WEST ALONG THE NORTH BOUNDARY OF SAID STATE HIGHWAY TO POINT OF BEGINNING.

PARCEL NO. 312222003 (Gamble)

THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 31 NORTH, RANGE 22 EAST, W.M.

PARCEL NO. 3023141005 (Kelpman)

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 30 NORTH, RANGE 23 EAST, W.M. DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 14; THENCE WEST 147.2 FEET; THENCE SOUTH 295 FEET; THENCE EAST 147.2 FEET; THENCE NORTH 295 FEET TO THE POINT OF BEGINNING. ALSO BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 14; THENCE EAST 147.2 FEET; THENCE SOUTH 295 FEET; THENCE WEST 147.2 FEET; THENCE NORTH 295 FEET TO THE POINT OF BEGINNING. EXCEPT WATSON DRAW ROAD, WHICH IS COUNTY ROAD NO. 1657.

PARCEL NO. 3023080014 (Thompson)

LOT 19, METHOW RIVER RANCH PHASE II, AS RECORDED IN VOLUME P OF SURVEYS, PAGES 261, THROUGH 276, AUDITOR'S FILE NO. 3090861.

PARCEL NO. 3023080015 (Fitzsimmons)

LOT 18, METHOW RIVER RANCH PHASE II, AS RECORDED IN VOLUME P OF SURVEYS, PAGE 261 THROUGH 276, AUDITOR'S FILE NO. 3090861

DNR Lands Not Identified by County Parcel Numbers:

SE $\frac{1}{4}$ NE $\frac{1}{4}$,S10,T32N,R22E,W.M. / NW $\frac{1}{4}$ SW $\frac{1}{4}$,S11,T32N,R22E,W.M. / SW $\frac{1}{4}$ SW $\frac{1}{4}$,S11,T32N,R22E,W.M. / NW $\frac{1}{4}$ NW $\frac{1}{4}$,S14,T32N,R22E,W.M. / SW $\frac{1}{4}$ NW $\frac{1}{4}$,S14,T32N,R22E,W.M. / SE $\frac{1}{4}$ NE $\frac{1}{4}$,S15,T32N,R22E,W.M. / NE $\frac{1}{4}$ SE $\frac{1}{4}$,S15,T32N,R22E,W.M. / SE $\frac{1}{4}$ SE $\frac{1}{4}$,S15,T32N,R22E,W.M. / NE $\frac{1}{4}$ SE $\frac{1}{4}$,S22,T32N,R22E,W.M. / SE $\frac{1}{4}$ SE $\frac{1}{4}$,S22,T32N,R22E,W.M. / NW $\frac{1}{4}$ NW $\frac{1}{4}$,S26,T32N,R22E,W.M. / SW $\frac{1}{4}$ NW $\frac{1}{4}$,S26,T32N,R22E,W.M. / NW $\frac{1}{4}$ SE $\frac{1}{4}$,S26,T32N,R22E,W.M. / SW $\frac{1}{4}$ SE $\frac{1}{4}$,S26,T32N,R22E,W.M. / NE $\frac{1}{4}$ NE $\frac{1}{4}$,S27,T32N,R22E,W.M. / NE $\frac{1}{4}$ SE $\frac{1}{4}$,S34,T32N,R22E,W.M. / SW $\frac{1}{4}$ SE $\frac{1}{4}$,S34,T32N,R22E,W.M. / SE $\frac{1}{4}$ SE $\frac{1}{4}$,S34,T32N,R22E,W.M. / NW $\frac{1}{4}$ NW $\frac{1}{4}$,S35,T32N,R22E,W.M. / SW $\frac{1}{4}$ NW $\frac{1}{4}$,S35,T32N,R22E,W.M. / NW $\frac{1}{4}$ SW $\frac{1}{4}$,S35,T35N,R22E,W.M. / SW $\frac{1}{4}$ NE $\frac{1}{4}$,S3,T31N,R22E,W.M. / SE $\frac{1}{4}$ NW $\frac{1}{4}$,S3,T31N,R22E,W.M. / NE $\frac{1}{4}$ SW $\frac{1}{4}$,S3,T31N,R22E,W.M. / SE $\frac{1}{4}$ SW $\frac{1}{4}$,S3,T31N,R22E,W.M. / NE $\frac{1}{4}$ SE $\frac{1}{4}$,S9,T31N,R22E,W.M. / SE $\frac{1}{4}$ SE $\frac{1}{4}$,S9,T31N,R22E,W.M. / NE $\frac{1}{4}$ NW $\frac{1}{4}$,S10,T31N,R22E,W.M. / SW $\frac{1}{4}$ NW $\frac{1}{4}$,S10,T31N,R22E,W.M. / SE $\frac{1}{4}$ NW $\frac{1}{4}$,S10,T31N,R22E,W.M. / NW $\frac{1}{4}$ SW $\frac{1}{4}$,S10,T31N,R22E,W.M. / SW $\frac{1}{4}$ NW $\frac{1}{4}$,S15,T31N,R22E,W.M. / NW $\frac{1}{4}$ SW $\frac{1}{4}$,S15,T31N,R22E,W.M. / SW $\frac{1}{4}$ SW $\frac{1}{4}$,S15,T31N,R22E,W.M. / SE $\frac{1}{4}$ SW $\frac{1}{4}$,S15,T31N,R22E,W.M. / GOV LOT 10,S16,T31N,R22E,W.M. / NE $\frac{1}{4}$ NE $\frac{1}{4}$,S16,T31N,R22E,W.M. / SE $\frac{1}{4}$ NE $\frac{1}{4}$,S16,T31N,R22E,W.M. / NE $\frac{1}{4}$ SE $\frac{1}{4}$,S16,T31N,R22E,W.M. / SE $\frac{1}{4}$ SE $\frac{1}{4}$,S16,T31N,R22E,W.M. / SW $\frac{1}{4}$ NE $\frac{1}{4}$,S22,T31N,R22E,W.M. / NE $\frac{1}{4}$ NW $\frac{1}{4}$,S22,T31N,R22E,W.M. / SE $\frac{1}{4}$ NW $\frac{1}{4}$,S22,T31N,R22E,W.M. / NE $\frac{1}{4}$ SE $\frac{1}{4}$,S22,T31N,R22E,W.M. / NW $\frac{1}{4}$ SE $\frac{1}{4}$,S22,T31N,R22E,W.M. / SE $\frac{1}{4}$ SE $\frac{1}{4}$,S22,T31N,R22E,W.M. / NW $\frac{1}{4}$ SW $\frac{1}{4}$,S25,T31N,R22E,W.M. / NW $\frac{1}{4}$ SW $\frac{1}{4}$,S25,T31N,R22E,W.M. / SW $\frac{1}{4}$ SE $\frac{1}{4}$,S25,T31N,R22E,W.M. / SE $\frac{1}{4}$ SE $\frac{1}{4}$,S25,T31N,R22E,W.M. / SW $\frac{1}{4}$ NE $\frac{1}{4}$,S26,T31N,R22E,W.M. / SE $\frac{1}{4}$ NW $\frac{1}{4}$,S26,T31N,R22E,W.M. / NE $\frac{1}{4}$ SE $\frac{1}{4}$,S26,T31N,R22E,W.M. / NW $\frac{1}{4}$ SE $\frac{1}{4}$,S26,T31N,R22E,W.M. / NE $\frac{1}{4}$ NE $\frac{1}{4}$,S36,T31N,R22E,W.M. / NE $\frac{1}{4}$ SW $\frac{1}{4}$,S9,T30N,R23E,W.M. / SE $\frac{1}{4}$ SW $\frac{1}{4}$,S9,T30N,R23E,W.M. / NE $\frac{1}{4}$ NE $\frac{1}{4}$,S16,T30N,R23E,W.M.

NE $\frac{1}{4}$ NW $\frac{1}{4}$,S14,T32N,R22E,W.M. / SE $\frac{1}{4}$ SW $\frac{1}{4}$,S15,T32N,R22E,W.M. / NW $\frac{1}{4}$ SE $\frac{1}{4}$,S15,T32N,R22E,W.M. / SW $\frac{1}{4}$ SE $\frac{1}{4}$,S15,T32N,R22E,W.M. / SE $\frac{1}{4}$ NW $\frac{1}{4}$,S26,T32N,R22E,W.M. / NE $\frac{1}{4}$ SW $\frac{1}{4}$,S26,T32N,R22E,W.M. / SE $\frac{1}{4}$ NE $\frac{1}{4}$,S27,T32N,R22E,W.M. / SW $\frac{1}{4}$ NE $\frac{1}{4}$,S27,T32N,R22E,W.M. / NE $\frac{1}{4}$ NW $\frac{1}{4}$,S34,T32N,R22E,W.M. / SW $\frac{1}{4}$ NE $\frac{1}{4}$,S35,T32N,R22E,W.M. / SE $\frac{1}{4}$ NW $\frac{1}{4}$,S35,T32N,R22E,W.M. / NE $\frac{1}{4}$ SE $\frac{1}{4}$,S35,T32N,R22E,W.M. / NW $\frac{1}{4}$ SE $\frac{1}{4}$,S35,T32N,R22E,W.M. / SW $\frac{1}{4}$ SE $\frac{1}{4}$,S35,T32N,R22E,W.M. / SE $\frac{1}{4}$ NE $\frac{1}{4}$,S3,T31N,R22E,W.M. / NE $\frac{1}{4}$ SE $\frac{1}{4}$,S3,T31N,R22E,W.M. / NW $\frac{1}{4}$ SE $\frac{1}{4}$,S3,T31N,R22E,W.M. / SW $\frac{1}{4}$ SE $\frac{1}{4}$,S3,T31N,R22E,W.M. / SE $\frac{1}{4}$ SE $\frac{1}{4}$,S3,T31N,R22E,W.M. / NW $\frac{1}{4}$ NE $\frac{1}{4}$,S10,T31N,R22E,W.M. / SW $\frac{1}{4}$ NW $\frac{1}{4}$,S22,T31N,R22E,W.M. / NE $\frac{1}{4}$ SW $\frac{1}{4}$,S25,T31N,R22E,W.M. / NW $\frac{1}{4}$ NE $\frac{1}{4}$,S36,T31N,R22E,W.M. / SE $\frac{1}{4}$ NE $\frac{1}{4}$,S36,T31N,R22E,W.M. / NE $\frac{1}{4}$ NW $\frac{1}{4}$,S36,T31N,R22E,W.M. / SE $\frac{1}{4}$ NE $\frac{1}{4}$,S16,T30N,R23E,W.M. Located in Okanogan County, Washington