

Klickitat County Port District No. 1

RESOLUTION. 9-2020

A Resolution of the Port of Klickitat Commission

Establishing a Policy for Granting Easements to Non-Government Third-Parties and Setting Minimum Road Standards

WHEREAS, the Port maintains ownership interests in real property in Klickitat County for the purpose of generating non-tax revenue for District purposes;

WHEREAS, real property owned by non-government third parties and that is adjacent to Port property may be landlocked or inaccessible without access across Port owned real property;

WHEREAS, not all Port properties are serviced by paved roadways for ingress and egress. The Port Commission finds that it is not fiscally prudent to dedicate capital to infrastructure improvements when those improvements will not provide immediate material/non-tax revenue for the Port, or additionally that the Port will miss opportunities to receive grants requiring a Port match. Such grants allow the Port to leverage its capital reserves for development of District properties;

WHEREAS, the Commission finds that it is in the best interest of the District to require an easement Grantee to construct a paved roadway and further finds that the Klickitat County Road Standards are suitable standards for constructing such roadways;

WHEREAS, the Port receives requests for easements from non-government third parties and believes that a written policy will provide consistency and transparency to District grants of easements;

AND, WHEREAS, the Commission finds that it is in the best interests of the District to adopt said policy for the reasons stated herein.

NOW, THEREFORE, THE COMMISSIONERS OF THE KLICKITAT COUNTY PORT DISTRICT, HEREBY RESOLVE AS FOLLOWS:

1. The Commission hereby adopts a general policy applicable to requests for easements across, under, over or through the Port of Klickitat County real property.
2. The Policy has the following components applicable to granting and for continuing easements:
 - a. Placement: The Port, as Grantor, will not grant an easement that will divide or bifurcate a Port property so that the Port is prevented from putting its property to what the Commission determines to be its highest use.
 - b. Consideration: Grantees shall be responsible for the costs of road construction across an easement. Grantee shall also be responsible for payment of leasehold excise tax if under Washington law, as presently enacted, later amended or as required by any similar law later enacted requiring such payment.
 - c. Maintenance: The Port may enter into a road maintenance agreement provided (1) the Port's contribution shall not exceed the lesser of Ten Thousand Dollars (\$10,000) or Five Percent (5%) of the costs and (2) the Grantee acknowledges Port must adhere to statutory public works requirements.
 - d. Road Standards: Roads must be constructed in accordance with the standards of Klickitat County, Grantee takes risk of poor construction. Grantee agrees to financially participate in upgrade to road post-construction if required due to Klickitat County requirements as amended or modified.

e. Duration of Easement: The Easement shall last for a period of not more than ten (10) years and additional extension(s), provided that the Grantee has timely complied with maintenance costs and continued but not expanded the original intended use.

f. Exclusivity: Any easement shall be non-exclusive and the Port may grant easement rights to other parties.

g. Termination/Transferability: The easement is non-transferable by the Grantee and automatically terminates on conveyance or transfer of property, terminates on material change in use, terminates for failure to comply or abandonment of the use, or terminates on change in ownership of more than Fifty Percent (50%) of the Grantee.

h. Hold Harmless: Grantee agrees to hold the Port of Klickitat harmless for any interruptions in use of easement; and construction or maintenance of the easement.

i. Reservation of Gross Weight Limitations of Vehicles: Port reserves the right to limit the gross weight of vehicles passing on the easement or restrict access to protect the pavement from degradation.

j. Utilities: If the grant of easement includes a provision allowing utilities including, but not limited to, sewer, water, power, natural gas and telecommunications, the Grantee shall allow the Port to hook into said utilities at no cost to the Port.

k. Modification of Policy: The Commission reserves the right to modify this policy upon application and discussion in open public meeting. The Commission may take into account historical use of Port property and the willingness of an applicant to execute a binding covenant to create full-time post-construction on site jobs. Grantee shall provide employment security documentation or other documentation suitable to the Port to prove compliance.


ADOPTED IN OPEN SESSION this 15th day of December, 2020.

ATTEST:

PORT OF KLICKITAT COMMISSION




Bonita Snyder, Administrative Assistant



Wayne Vinyard, President



Bill Schmitt, Vice-President



Jim Herman, Secretary