

KITTITAS COUNTY  
DEPARTMENT OF PUBLIC WORKS

**AGENDA STAFF REPORT**

**AGENDA DATE:** May 21, 2013

**ACTION REQUESTED:** Requesting the Board of County Commissioners to sign and approve a Resolution for a Declaration of Covenant for Airport Well No. 1 to establish a Sanitary Control Area.

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**BACKGROUND:** The City of Ellensburg is requesting a Declaration of Covenant to be placed upon Lot C-27 and a portion of Lot C-28 of the Kittitas County Airport Binding Site Plan to establish a Sanitary Control Area in conformance with WAC-246-291-100, around Airport Well No. 1 which is located on said Lots.

**INTERACTION:** Public Works, City of Ellensburg

**RECOMMENDATION:** Approve the Resolution to establish a Declaration of Covenant.

**HANDLING:** Public Works to return one original signed agreement to BOCC office.

**ATTACHMENTS:** Declaration of Covenant  
Map

**LEAD STAFF:** Kirk Holmes  
Public Works Director

Deputy Prosecuting Attorney WSBA#

**DECLARATION OF COVENANT**  
**Airport Well No. 1**

Whereas the City of Ellensburg, and Kittitas County, (Hereinafter Grantors) are the fee simple owners of the following described lands:

Lot C-27 and a portion of Lot C-28 of the Kittitas County Airport Binding Site Plan recorded on February 20, 2009, in Book 11 of Plats at page 110, located in portions of sections 23,24,25,26, T. 18N., R. 18E., W.M.

We hereby declare and place this covenant on the described lands for the purposes of establishing a Sanitary Control Area, in conformance with WAC 246-291-100, around the well located on subject property and operated by the City of Ellensburg as a water source to the Ellensburg Water Utility as shown on attached Exhibit A.

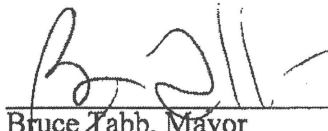
The grant of this covenant serves as recognition of the City's and County's obligation to keep the water supplied from the well located on the above described properties free from impurities which might be injurious to the public health.

It is the purpose of this covenant to prevent certain practices hereinafter enumerated within 100 feet of the said water source.

NOW, THEREFORE, the Grantors agree and covenant that said Grantors, successors and assigns will not construct, maintain, or suffer to be constructed or maintained upon the said land of the Grantors within 100 feet of the well on the land herein described, so long as the same is operated to furnish water for public consumption, any potential source of contamination, such as septic tanks and drain fields, sewer lines, underground storage tanks, roads, railroad tracks, vehicles, structures, barns, feed stations, grazing animals, enclosures for maintaining fowl or animal manure, liquid or dry chemical storage, herbicides, insecticides, hazardous waste, or garbage of any kind or description.

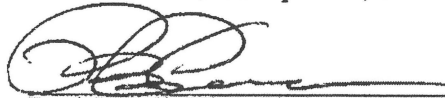
This covenant shall run with the land and shall be binding to all parties having or acquiring any right, title, or interest in the land described herein or any part thereof, and shall inure to the benefit of each owner thereof.

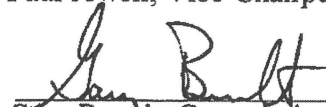
By:  
City of Ellensburg, Grantor

  
\_\_\_\_\_  
Bruce Tabb, Mayor

By:  
Kittitas County, Grantor

  
\_\_\_\_\_  
Obie O'Brien, Chairperson, BOCC

  
\_\_\_\_\_  
Paul Jewell, Vice-Chairperson, BOCC

  
\_\_\_\_\_  
Gary Berndt, Commissioner, BOCC

FOR THE CITY OF ELLENSBURG;

State of Washington                     )  
  ) ss.  
County of Kittitas                     )

I, the undersigned, a Notary Public in and for the above named County and State, do hereby certify that on this 3rd day of June, 2013, Bruce Tabb personally appeared before me and is known to be the individual described in and who executed the within instrument, and acknowledge that (s)he (they) signed and sealed the same as free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.



Laurie L. Gigstead  
Notary Public in and for the State of Washington, residing at  
Ellensburg  
My Commission Expires: 8-8-14

FOR KITTITAS COUNTY;

State of Washington                     )  
  ) ss.  
County of Kittitas                     )

I, the undersigned, a Notary Public in and for the above named County and State, do hereby certify that on this 21st day of May, 2013, Obie O'Brien, Paul Jewell and Gary Berndt personally appeared before me and are known to be the individual described in and who executed the within instrument, and acknowledge that (s)he (they) signed and sealed the same as free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.



Julie A. Gossink  
Notary Public in and for the State of Washington, residing at  
Ellensburg  
My Commission Expires: 2-19-14

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**Airport Well No. 1**

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By:  
City of Ellensburg, Grantor

  
\_\_\_\_\_  
Bruce Tabb, Mayor

By:  
Kittitas County, Grantor

  
\_\_\_\_\_  
Obie O'Brien, Chairperson, BOCC

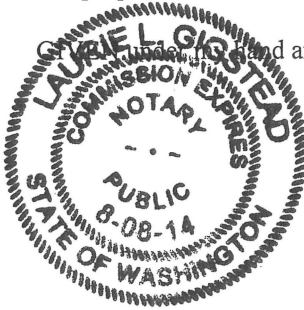
  
\_\_\_\_\_  
Paul Jewell, Vice-Chairperson, BOCC

  
\_\_\_\_\_  
Gary Berndt, Commissioner, BOCC

FOR THE CITY OF ELLENSBURG;

State of Washington                     )  
  ) ss.  
County of Kittitas                     )

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GIVEN under my hand and official seal the day and year last above written.

Laurie L. Gigstead  
Notary Public in and for the State of Washington, residing at  
Ellensburg

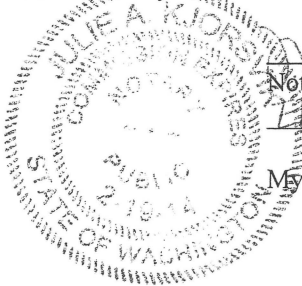
My Commission Expires: 8-8-14

FOR KITTITAS COUNTY;

State of Washington                     )  
  ) ss.  
County of Kittitas                     )

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Julie A. Kjosnik  
Notary Public in and for the State of Washington, residing at  
Ellensburg

My Commission Expires: 2-19-14