

After Filing Return to:
 Yakima County Public Services Department
 128 N. Second Street, Fourth Floor
 Yakima, WA 98901
 Attention: Planning Manager

**DEVELOPMENT AGREEMENT
 BETWEEN MIOCENE RESOURCE, LLC and YAKIMA COUNTY, a Washington
 county**

Grantors(s):	Miocene Resource, LLC, and County of Yakima, a Washington county
Grantee(s):	Miocene Resource, LLC, and County of Yakima, a Washington county
Abbreviated Legal Description:	ALL EX BEG AT SW COR OF SEC, TH N 1650 FT, TH SE'LY 2335 FT, TH W 1650 FT TO BEG.
Additional Legal Description:	Exhibit A "Subject Property"
Assessor's Property Tax Parcel Account Numbers:	161527-11001

**DEVELOPMENT AGREEMENT
 BETWEEN MIOCENE RESOURCE, LLC and YAKIMA COUNTY, a Washington
 county**

THIS DEVELOPMENT AGREEMENT ("Agreement"), entered into between YAKIMA COUNTY, a Washington county, and MIOCENE RESOURCE, LLC, the owner of the mineral rights described herein ("Subject Property"), is executed as a condition of amending the Official Zoning Map of the Yakima County Zoning Ordinance with respect to Subject Property in accordance with Yakima County Ordinance No. **XX-2018**. (Yakima County Public Services File Nos. LRN2018-00003/SEP18-00006)

I. Property Affected

The property subject to this Agreement (“Subject Property”) is legally described in Exhibit A and depicted by the map in Exhibit B. It lies on the north side of State Route 410, approximately two miles west of the State Route 410 and State Route 12 intersection, and approximately six miles west of the Town of Naches.

II. Purposes

This Agreement is entered into for the purposes of implementing:

- (1) The designation of the Mineral Resource Overlay on 186 acres of an approximate 610-acre lot be approved as specified by Ordinance XX-2018 on the condition that Miocene Resource, LLC provide the Yakima County Planning Department with the deed of land ownership for the Subject Property and which is recorded with the County Auditor; or
- (2) Official documentation of an agreement and/or contract between Miocene Resource, LLC and the Washington Department of Fish and Wildlife to allow Miocene Resource, LLC to conduct mining operations on the Subject Property; and
- (3) This Agreement will be in effect for a period of 5 years from the date of the adopted ordinance signed by the Board of Yakima County Commissioners until either condition (1) or (2) are met and null and void thereafter.

III. Applicability

The clause in Ordinance **XX-2018** as a condition to approval is incorporated into this Agreement as Exhibit C.

IV. Permit Process

In reviewing applications for future development on the Subject Property, Yakima County officials shall ensure that the conditions described in Section III are enforced.

V. General Provisions

This Agreement may be amended upon agreement of the parties following the public review and comment procedures for a major rezone established in YCC 19.36.040 and 16B.10.090.

This Agreement shall be recorded with the Yakima County Auditor promptly after execution and shall constitute a covenant running with Subject Property that shall be binding on the heirs, successors, and assigns of the parties.

IN WITNESS WHEREOF, this Agreement has been entered into between the parties on the date last signed below.

List of Exhibits:

Exhibit A – Legal Description of Subject Property

Exhibit B – Map of Subject Property

Exhibit C – Ordinance **XX**-2018

(Miocene Resource, LLC & LRN2018-00003/SEP2018-00006)

DONE this _____ day of _____ 2018

BOARD OF YAKIMA COUNTY COMMISSIONERS

Ron Anderson, Chairman

Michael D. Leita, Commissioner

Attest: Rachel Michael
Clerk of the Board

J. Rand Elliott, Commissioner
*Constituting the Board of County Commissioners
for Yakima County, Washington*

Approved as to form:

Deputy Prosecuting Attorney

Dave Williamson
Miocene Resource, LLC

STATE OF WASHINGTON)
) ss.
COUNTY OF YAKIMA)

On this ____ day of _____, 2018, before me, a Notary Public in and for the State of Washington, personally appeared Ron Anderson, Michael D. Leita, and J. Rand Elliott, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons who executed this instrument, on oath stated that they were authorized to execute the instrument, and acknowledged it as the Board of Commissioners of County of Yakima to be the free and voluntary act of said County for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

NOTARY PUBLIC in and for the State of Washington, residing at _____

My appointment expires _____

Print Name _____

STATE OF WASHINGTON)
) ss.
COUNTY OF YAKIMA)

On this ____ day of _____, 2018, before me, a Notary Public in and for the State of Washington, personally appeared _____

_____,
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) who executed this instrument, on oath stated that he/she/they executed the instrument as a voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

NOTARY PUBLIC in and for the State of Washington, residing at _____

My appointment expires _____

Print Name _____

DRAFT

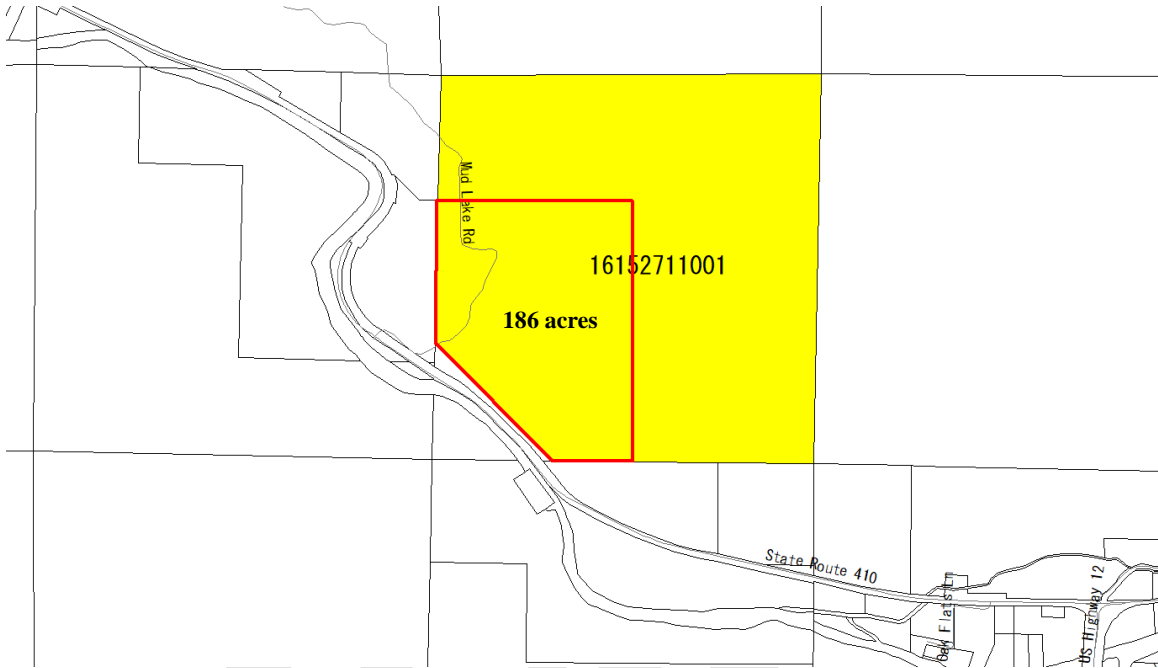
Legal Description of Subject Property

Yakima County Assessor's Parcel No. 161527-11001 (186-acre portion):

THAT PORTION OF SECTION 27, TOWNSHIP 15 NORTH, RANGE 16 EAST, W.M., DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST BOUNDARY SAID SECTION 1726.98 FEET FROM THE NORTHWEST CORNER, THEN EAST 2460 FEET, MORE OR LESS, TO THE NORTH-SOUTH CENTERLINE SAID SECTION, THEN SOUTH, ALONG SAID CENTERLINE, 3580 FEET, MORE OR LESS, TO THE SOUTH QUARTER CORNER SAID SECTION, THEN WEST, ALONG THE SOUTH BOUNDARY, 990 FEET, MORE OR LESS, TO A POINT 1650 FEET EAST OF THE SOUTHWEST CORNER, THEN NORTHWESTERLY, 2335 FEET, MORE OR LESS, TO A POINT ON THE WEST BOUNDARY SAID SECTION 1650 FEET NORTH OF SAID SOUTHWEST CORNER, THEN NORTH 1930.94 FEET TO THE POINT OF BEGINNING.

DRAFT

Map of Subject Property



DRAFT

Ordinance XX-2018

DRAFT