

RESOLUTION NO. 159

A RESOLUTION of the Board of Commissioners of Water District No. 8 of Whatcom County, Washington, creating Utility Local Improvement District No. 5 of the Water District and establishing the boundaries thereof; ordering the acquisition, construction and installation of certain improvements therein; adopting detailed plans therefor; and declaring the estimated cost thereof.

WHEREAS, a comprehensive plan or scheme of water supply for the District was adopted by the Board of Commissioners on June 19, 1969 by Resolution No. 12, which plan was ratified by the qualified electors of the water district on September 8, 1969, and has been subsequently amended, from time to time; and

WHEREAS, on May 6, 1976 the Board of Commissioners of the District adopted Resolution No. 153, as amended by No. 155, (the "Resolution of Intention") wherein the Board declared its intention to create Utility Local Improvement District No. 5 and to improve the area within the proposed boundaries of said Utility Local Improvement District by the acquisition, construction and installation of certain water transmission and storage facilities together with all appurtenances necessary therefor, all as provided in the comprehensive plan of the District; and

WHEREAS, notice of the hearing on the Resolution of Intention was given by publication and mailing in the manner required by law; and

WHEREAS, as provided in the Resolution of Intention and notices of hearing, said hearing was held at 10:00 o'clock a.m., June 17, 1976 at the Grange Hall, Birch Bay, Washington, at which time and place the Board of Commissioners of the Water District heard all objections made by persons affected by the formation of Utility Local Improvement District No. 5 and considered all of the same and all of the written objections to the formation presented and filed at the office of the Secretary of the Board of Commissioners

bond anticipation warrants in an amount not exceeding \$100,000 which have a lien upon the Gross Earnings and Revenue of the System junior and inferior to the lien of the Warrant.

Section 6. It is hereby declared that the Board of Commissioners, in providing for the issuance of the Warrant and in covenanting to issue water revenue bonds for the purpose of paying or redeeming the Warrant, have exercised due regard for the normal expenses of maintenance and operation of the System and have not obligated the District to set aside and pay into the Warrant Fund or a Bond Redemption Fund for such water revenue bonds a greater amount of Gross Earnings and Revenue than in their judgment will be available over and above the amounts required to be paid as principal of and interest on the Outstanding Bonds and the normal expenses of maintenance and operation of the System.

Section 7. The Warrant shall be in substantially the following form:

UNITED STATES OF AMERICA

No. W-1

\$130,000

STATE OF WASHINGTON

WATER DISTRICT NO. 8
WHATCOM COUNTY, WASHINGTON

1976 WATER REVENUE BOND ANTICIPATION WARRANT

Water District No. 8, Whatcom County, Washington (the "District"), a municipal corporation of the State of Washington, acknowledges itself to owe and for value received promises to pay to bearer on the first day of January, 1977 the principal amount of

ONE HUNDRED THIRTY THOUSAND DOLLARS

together with interest thereon at the rate of 6% per annum, payable at maturity.

Both principal and interest are payable in lawful money of the United States of America at the office of the Treasurer of Whatcom County in Bellingham, Washington solely out of the special fund of the District known as the "1976 Bond Anticipation Warrant Fund" created by Resolution No. ____ of the District.

This Warrant is issued pursuant to the Constitution and laws of the State of Washington and duly adopted resolutions of the District for the purpose of temporarily financing the acquisition, construction and installation of certain additions, improvements and betterments to and extensions of the water supply and distribution system of the District.

This Warrant is payable out of the proceeds of sale of water revenue bonds of the District and out of the Gross Earnings and Revenue (as such term is defined in said Resolution No. ____) of the District legally available for such purpose after payment of the normal expense of maintenance and operation of the System and the amounts due as principal of and interest on the water revenue bonds of the District dated January 1, 1974.

The District hereby covenants and agrees with the owner and holder of this Warrant that it will keep and perform all the covenants of this Warrant and of said Resolution No. ____ to be by it kept and performed.

The District has reserved the right to prepay and redeem this Warrant at par plus accrued interest to the date of redemption at any time in accordance with the provisions of said Resolution No. ____.

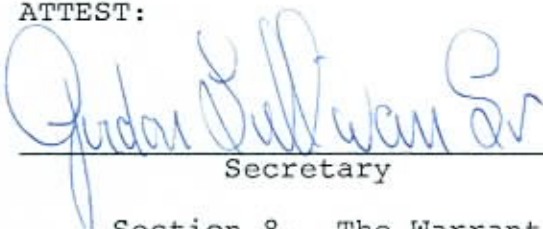
It is hereby certified and declared that this Warrant is issued pursuant to and in strict compliance with the Constitution and laws of the State of Washington and resolutions of the District, and that all acts, conditions and things required to have happened, been done and performed precedent to and in the issuance hereof have happened, been done and performed.

IN WITNESS WHEREOF, Water District No. 8, Whatcom County, Washington has caused this Warrant to be executed in its name by the President of its Board of Commissioners, to be attested by the Secretary of its Board of Commissioners, and the corporate seal of the District to be impressed hereon this _____ day of _____, 1976.

WATER DISTRICT NO. 8
WHATCOM COUNTY, WASHINGTON

By 
President

ATTEST:


Secretary

Section 8. The Warrant shall be signed on behalf of the Board of Commissioners by its President and shall be attested by its Secretary.

prior to the time and date of said hearings; and

WHEREAS, after consideration of all of said written and oral protests the Board of Commissioners now finds that Utility Local Improvement District No. 5 should be created, encompassing the property described in the Resolution of Intention, and that the improvements described in said resolution to be acquired, constructed and installed, should be ordered to be so acquired, constructed and installed;

KNOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Water District No. 8, Whatcom County, Washington as follows:

Section 1. After due consideration of all of the oral and written protests made and filed to the creation of Utility Local Improvement District No. 5 and to the ordering of the acquisition, construction and installation of the improvements provided in the comprehensive plan of the water district as amended for the area in Utility Local Improvement District No. 5, as such improvements are more particularly described in the Resolution of Intention and herein, it is hereby found and ordered that Utility Local Improvement District No. 5 of Water District No. 8, Whatcom County, Washington should be and is hereby created as of the date of adoption of this resolution, and the boundaries thereof are hereby fixed as set forth in Exhibit A attached hereto and by this reference made a part hereof.

Section 2. The acquisition, construction and installation of the improvements described on Exhibit B attached hereto and by this reference made a part hereof, all of which will be of special benefit to the property within the boundaries of Utility Local Improvement District No. 5, is hereby ordered. Such improvements shall be installed complete with all valves, fittings, and other auxiliary equipment necessary and commonly used or required for complete water supply and distribution systems, and shall be connected with each other.

The District shall acquire by purchase, franchise, lease or condemnation all property, both real and personal, or any interest therein and all rights of way, franchises and easements which may be found necessary to acquire, construct and install the above-described

improvements which are all as more particularly set forth in the maps and plans prepared by URS Company, consulting engineers of Seattle, Washington.

It is hereby further provided that the hereinbefore authorized plan of improvements shall be subject to such changes as to details of pipe size and location or any other details not affecting the service to be provided thereby as shall be authorized by the Board of Commissioners either prior to or during the actual course of construction.

Section 3. The estimated cost and expense of carrying out said plan of improvements is hereby declared to be as near as may be the sum of \$1,550,000, of which sum all costs not provided for by grants received by the District for such purposes shall be borne by assessments levied against property within Utility Local Improvement District No. 5 and specially benefited by said improvements. It is expected that approximately \$160,000 of such costs will be covered by governmental grants to be received by the District. The assessments shall be paid into the Revenue Bond Fund of the District heretofore created.

Section 4. In computing assessments for the cost of acquiring, constructing, and installing the hereinbefore described improvements, the nature thereof and the properties abutting upon, adjacent or vicinal to the same is such that the special benefits conferred upon all of such properties are not in all cases fairly reflected by the zone and termini method of computing assessments, and in such cases the assessments shall then be made against such properties in accordance with the special benefits which they will derive from said improvements, without regard to the zone and termini method of computation of assessments.

PASSED by the Board of Commissioners of Water District
No. 8 of Whatcom County, Washington at a regular meeting thereof
held this 17th day of June, 1976.

WATER DISTRICT NO. 8
WHATCOM COUNTY, WASHINGTON

Sullivan-O'Neil

A. R. O'Connor
Gordon Sullivan Sr
Commissioners

ATTEST:

Gordon Sullivan Sr
Secretary of the Board of Commissioners

WHATCOM COUNTY WATER DISTRICT NO. 8

PROPOSED U.L.I.D. NO. 5

WATER TRANSMISSION AND STORAGE FACILITIES

<u>Size</u>	<u>On</u>	<u>From</u>	<u>To</u>
12"	Drayton Harbor Rd.	Blaine Rd.	Easement 200' Wly. of Blaine Rd.
10"	Easement	Drayton Harbor Rd.	Lincoln Rd.
10"	Lincoln Rd.	Easement 1600' Ely Harbor View Rd.	Harbor View Rd.
10"	Harbor View Rd.	Lincoln Rd.	Birch Bay Dr.
10"	Birch Bay Dr.	Shintaffer Rd.	Harbor View Rd.
14"	Birch Bay Dr.	Harbor View Rd.	Alderson Rd.
12"	Birch Bay Dr.	Alderson Rd.	Jackson Rd.
10"	Birch Bay Dr.	Jackson Rd.	Easement Wly. of Highland Dr.
10"	Easement Wly of Highland Dr.	Birch Bay Dr.	Bay Rd.
10"	Bay Rd.	Easement Wly of Highland Dr.	Blaine Rd.
14"	Bay Rd.	Blaine Rd.	Kickerville Rd.
14"	Kickerville Rd.	Bay Rd.	Approximately 1,300 ft. Sly of Bay Rd.
10"	Jackson Rd.	Bay Rd.	County Rd. 1/4 Mile North of Grandview Rd.
10"	County Rd. and Easement	Jackson Rd.	Pt. Whitehorn Rd.
8"	Pt. Whitehorn Rd.	1/4 Mile North of Grandview Rd.	Birch Bay Dr. (Priester Dr.)
3"	Birch Bay Dr. (Priester Dr.)	Pt. Whitehorn Rd.	Holeman Ave.

Exhibit A

WHATCOM COUNTY WATER DISTRICT NO. 8

U.L.I.D. NO. 5

AREA I

NORTHERLY & WESTERLY OF BIRCH BAY VILLAGE

Beginning at the North Quarter Corner of Section 22, Township 40 North, Range 1 West, W.M.;

Thence Easterly along the North line of said Section 22, and the North line of Section 23, Township 40 North, Range 1 West, W.M., to its intersection with the East line of the West 1/2 of the N.W. 1/4 of said Section 23;

Thence Southerly along said East line to its intersection with the North line of the South 1/2 of the said N.W. 1/4;

Thence Easterly along said North line to its intersection with the West line of the N.E. 1/4 of said Section 23;

Thence Northerly along said West line to its intersection with the North line of said Section 23;

Thence Easterly along said North line and the North line of Section 24, Township 40 North, Range 1 West, W.M., to its intersection with the East line of the West 1/2 of the N.W. 1/4 of said Section 24;

Thence Southerly along said East line to its intersection with the South line of the North 12 acres of the East 1/2 of the S.W. 1/4 of the said N.W. 1/4;

Thence Westerly along said South line to its intersection with the West line of the said East 1/2;

Thence Northerly along said West line to its intersection with the South line of the N.W. 1/4 of the said N.W. 1/4;

Thence Westerly along said South line to its intersection with the East line of said Section 23;

Thence Southerly along said East line to its intersection with the Easterly extension of the centerline of Birch Point Road as delineated on the plat of Birch Bay Village Division 11A, as recorded in volume 13 of plats, page 3, records of Whatcom County, Washington;

Thence Westerly along said centerline and its Easterly extension to its intersection with the East line of the West 1/2 of the S.E. 1/4 of said Section 22;

Thence Southerly along said East line and the East line of Government Lot 2, Section 27, Township 40 North, Range 1 West, W.M., to its intersection with the line of extreme low tide of Birch Bay of Georgia Strait;

Thence Northwesterly along said line of extreme low tide to its intersection with the West line of said Government Lot 2;

Thence Northerly along said West line, and the North-South centerline of said Section 22 to the North Quarter Corner of said Section 22 and the Point of Beginning.

WHATCOM COUNTY WATER DISTRICT NO. 8

U.L.I.D. NO. 5

AREA II

PROPOSED BIRCH BAY VILLAGE DIV. 15

Beginning at the intersection of the centerline of Sehome Road with the center line of Cowichan Road as delineated on, Birch Bay Village Div. 1, as recorded in volume 9 of plats, pages 91 and 92, records of Whatcom County, Washington;

Thence Southwesterly and Westerly along said centerline of Cowichan Road to its intersection with the centerline of Nitinat Way as delineated on, Birch Bay Village Div. 6, as recorded in volume 9 of plats, page 135, records of Whatcom County, Washington;

Thence Southerly along said centerline of Nitinat Way to its intersection with the Easterly extension of the Northerly line of Lot 21, said Birch Bay Village Div. 6;

Thence Southwesterly along said Easterly extension and the Northerly lines of Lots 21 through 16 said Birch Bay Village Div. 6, to the most Westerly corner of said Lot 16;

Thence Northwesterly to the Northeast corner of Lot 13, of Birch Bay Village Div. 10, according to plat thereof recorded in volume 11 of plats, page 63, records of Whatcom County, Washington;

Thence Westerly and Southwesterly along the Northerly line of said Lot 13 and its Southwesterly extension to its intersection with the centerline of Matsqui Place;

Thence Westerly along said centerline to its intersection with the centerline of Comox Road;

Thence Northerly along said centerline to its intersection with the Westerly extension of the most Southerly line, of Birch Bay Village Div. 8, according to plat thereof recorded in volume 9 of plats, page 142, records of Whatcom County, Washington;

Thence Easterly along said South line and its Westerly extension to the Easterly line of said Birch Bay Village Div. 8;

Thence Northerly along said Easterly line and the Easterly line, of Birch Bay Village Div. 2, according to plat thereof recorded in volume 9 of plats, pages 93 and 94, records of Whatcom County, Washington, to the most Easterly corner of Lot 55 said Birch Bay Village Div. 2;

Thence Northeasterly along the Northeasterly extension of the Southerly line of said Lot 55 to its intersection with the centerline of Sehome Road;

Thence Southerly along said centerline to its intersection with the centerline of said Cowichan Road and the Point of Beginning.

WHATCOM COUNTY WATER DISTRICT NO. 3

U.L.I.D. NO. 5

AREA III

PROPOSED HARBOR VIEW ESTATES

Beginning at the Northwest corner of the N.W. 1/4 of Section 19, Township 40 North, Range 1 East, W.M.;

Thence Easterly along the North line of the said N.W. 1/4 to the Northeast corner thereof;

Thence Southerly along the East line of the said N.W. 1/4 to its intersection with the South line of the North 1/2 of the said N.W. 1/4;

Thence Westerly along said South line to its intersection with the East line of the West 1/2 of the said N.W. 1/4;

Thence Northerly along said East line to its intersection with the South line of the North 1/2 of the South 1/2 of the N.W. 1/4 of the said N.W. 1/4;

Thence Westerly along said South line to its intersection with the West line of the said N.W. 1/4;

Thence Northerly along said West line to the Northwest corner of the said N.W. 1/4 and the Point of Beginning.

WHATCOM COUNTY WATER DISTRICT NO. 8

U.L.I.D. NO. 5

AREA IV

BIRCH BAY-LYNDEN ROAD

Beginning at the intersection of the North line of Section 30, Township 40 North, Range 1 East, W.M., with the East line of the West 201.50 feet thereof;

Thence South $0^{\circ}00'00''$ East along said line 181.50 feet;

Thence South $19^{\circ}04'00''$ East 198.67 feet;

Thence South $23^{\circ}44'00''$ East 120.00 feet;

Thence South $66^{\circ}47'00''$ West 168.35 feet;

Thence South $28^{\circ}27'00''$ East 895.86 feet to the South line of the North 1/2 of the N.W. 1/4 of said Section 30;

Thence Easterly along said South line and the South line of the North 1/2 of the N.E. 1/4 of said Section 30 to its intersection with the East line thereof, which is also the West line of Section 29, Township 40 North, Range 1 East, W.M.;

Thence Northerly along said West line to its intersection with a line which is 40 rods Northerly of and parallel with the South line of the N.W. 1/4 of the N.W. 1/4 of said Section 29;

Thence Easterly along said parallel line to its intersection with a line which is 32 rods Easterly of and parallel with the East line of the Westerly 20 feet of the said N.W. 1/4 of the N.W. 1/4;

Thence Southerly along said parallel line to its intersection with the South line of the said N.W. 1/4 of the N.W. 1/4;

Thence Easterly along said South line to its intersection with the East line of the said N.W. 1/4 of the N.W. 1/4;

Thence Northerly along said East line to its intersection with a line which is 300 feet Southerly of and parallel with the North line of the said N.W. 1/4 of the N.W. 1/4;

Thence Westerly along said parallel line to its intersection with a line which is 75 feet Westerly of and parallel with the East line of the said N.W. 1/4 of the N.W. 1/4;

Thence Northerly along said parallel line to its intersection with the North line of said Section 29;

Thence Westerly along said North line and the South line of Section 19, Township 40 North, Range 1 East, W.M., to a point which is South $89^{\circ}14'30''$ East 1,208.08 feet from the South Quarter corner of said Section 19;

Thence North $0^{\circ}08'44''$ East 1,208.28 feet;

Thence North $89^{\circ}07'00''$ West 1,208.82 feet to the North-South centerline of said Section 19;

Thence South $1^{\circ}12'27''$ West along said North-South centerline 1,210.90 feet to the South Quarter corner of said Section 19;

Thence Westerly along the South line of said Section 19, which is also the North line of said Section 30, to its intersection with the East line of the West 201.50 feet of said Section 30 and the Point of Beginning.

WHATCOM COUNTY WATER DISTRICT NO. 8

U.L.I.D. NO. 5

AREA V

EAST OF LEISURE PARK

Beginning at the East Quarter corner of Section 31, Township 40 North, Range 1 East, W.M.;

Thence Westerly along the South line of the East 1/2 of the N.E. 1/4 of said Section 31, to its intersection with the West line of the said East 1/2;

Thence Northerly along said West line to its intersection with the South line of the N.W. 1/4 of the said N.E. 1/4;

Thence Westerly along said South line to its intersection with the West line of the East 1/2 of the said N.W. 1/4;

Thence Northerly along said West line to its intersection with a line which is 150 feet Southerly of and parallel with the North line of the said N.W. 1/4;

Thence Westerly along said parallel line to its intersection with the East line of the N.E. 1/4 of the N.W. 1/4 of said Section 31;

Thence Southerly along said East line to its intersection with the South line of the said N.E. 1/4;

Thence Westerly along said South line to its intersection with a line which is 60 feet Easterly of and parallel with the West line of the East 1/2 of the said N.E. 1/4;

Thence Northerly along said parallel line to its intersection with a line which is 430 feet Northerly of and parallel with the South line of the said N.E. 1/4;

Thence Westerly along said parallel line to its intersection with the West line of the said East 1/2 of the N.E. 1/4;

Thence Northerly along said West line to its intersection with the North line of said Section 31, which is also the South line of Section 30, Township 40 North, Range 1 East, W.M.;

Thence Easterly along said South line to its intersection with the West line of the S.E. 1/4 of the S.E. 1/4 of said Section 30;

Thence Northerly along said West line to its intersection with the South line of the North 1/2 of the said S.E. 1/4 of Section 30;

Thence Westerly along said South line to its intersection with the West line of the said S.E. 1/4;

Thence Northerly along said West line to its intersection with the North line of the South 1/2 of the North 1/2 of the said S.E. 1/4;

Thence Easterly along said North line to its intersection with the East line of said Section 30, which is also the West line of Section 29, Township 40 North, Range 1, East, W.M.;

Thence Northerly along said West line to its intersection with the East-West centerline of said Section 29;

Thence Easterly along said East-West centerline to its intersection with the North-South centerline of said Section 29;

Thence Southerly along said North-South centerline to its intersection with the South line of the North 1/2 of the S.W. 1/4 of said Section 29;

Thence Westerly along said South line to its intersection with the East line of the West 1/2 of the S.W. 1/4 of the said S.W. 1/4;

Thence Southerly along said East line to its intersection with the South line of said Section 29, which is also the North line of Section 32, Township 40 North, Range 1 East, W.M.;

Thence Easterly along said North line to the North Quarter corner of said Section 32;

Thence Southerly along the North-South centerline of said Section 32 to its intersection with the South line of the North 1/2 of the N.W. 1/4 of said Section 32;

Thence Westerly along said South line to its intersection with the West line of said Section 32, which is also the East line of said Section 31;

Thence Southerly along said East line to the East Quarter corner of said Section 31 and the Point of Beginning.

WHATCOM COUNTY WATER DISTRICT NO. 8

U.L.I.D. NO. 5

AREA VI

NORTHEAST CORNER OF BAY RD. & JACKSON RD.

Beginning at the Southwest corner of Section 31, Township 40 North, Range 1 East, W.M.;

Thence Northerly along the West line of said Section 31 to its intersection with a line 150 feet Southerly of and parallel with the North line of the S.W. 1/4 of the S.W. 1/4 of said Section 31;

Thence Easterly along said parallel line to its intersection with a line which is parallel with the West line of the said S.W. 1/4 and passes through the Southeast corner, of Birch Bay Park, according to plat thereof recorded in volume 6 of plats, pages 16 through 21, records of Whatcom County, Washington;

Thence Northerly along said parallel line to its intersection with the North line of the said S.W. 1/4 of the S.W. 1/4;

Thence Easterly along said North line to the Northeast corner of the said S.W. 1/4 of the S.W. 1/4;

Thence Southerly to the Southeast corner of the said S.W. 1/4 of the S.W. 1/4;

Thence Westerly to the Southwest corner of said Section 31 and the Point of Beginning.

WHATCOM COUNTY WATER DISTRICT NO. 8

U.L.I.D. NO. 5

AREA VII

EAST OF BIRCH BAY STATE PARK

Beginning at the Northeast corner of Section 1, Township 39 North, Range 1 West, W.M.;

Thence Southerly to the Southeast corner of the N.E. 1/4 of said Section 1;

Thence Westerly to the Southwest corner of the said N.E. 1/4;

Thence Northerly to the Northwest corner of the said N.E. 1/4;

Thence Easterly to the Northeast corner of said Section 1 and the Point of Beginning.

WHATCOM COUNTY WATER DISTRICT NO. 8

U.L.I.D. NO. 5

AREA VIII

BIRCHMONT

Beginning at the Southeast corner of Section 2 Township 39 North, Range 1 West, W.M.;

Thence Westerly along the South line of said Section 2 to its intersection with the Southeasterly extension of the centerline of Holeman Road as described in Auditor's file No. 831576;

Thence Northwesterly along said centerline to its intersection with a line which is 320 feet Southeasterly of and parallel with the Northwesterly margin of Priester Drive (Birch Bay Drive);

• Thence Northeasterly along said parallel line to its intersection with a line which is 165 feet Northeasterly of and parallel with the centerline of said Holeman Road;

Thence Northwesterly along said parallel line to its intersection with a line which is 160 feet Southeasterly of and parallel with the Northwesterly margin of said Priester Drive;

Thence Southwesterly along said parallel line to its intersection with a line which is 130 feet Northeasterly of and parallel with the centerline of said Holeman Road;

Thence Northwesterly along said parallel line to its intersection with a line which is 20 feet Southeasterly of and parallel with the Northwesterly margin of said Priester Drive;

Thence Northeasterly along said parallel line to its intersection with the centerline Whitehorn Road (County Road No. 736);

Thence Southerly along said centerline to its intersection with the South line of the North 60 feet of the N.E. 1/4 of the S.E. 1/4 of said Section 2;

Thence Easterly along said South line to its intersection with the East line of said Section 2;

Thence Southerly along said East line to the Southeast corner of said Section 2 and the Point of Beginning.