

RESOLUTION NO. 482

A RESOLUTION of the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington, declaring the intention of the Board to order the formation of a utility local improvement district for the construction and installation of water improvements within the boundaries of said proposed district; setting forth the nature and territorial extent of such proposed improvements; designating the number of the utility local improvement district; describing the boundaries thereof; stating the estimated cost and expense of the improvements and the amount thereof proposed to be borne by the property within the proposed utility local improvement district; and fixing a date, time and place for a public hearing on the formation of the proposed district.

WHEREAS, an advisory petition (the "Petition") has been filed with the Board of Commissioners (the "Board") of Birch Bay Water and Sewer District, Whatcom County, Washington (the "District"), requesting the formation of a utility local improvement district for the purpose of making water improvements; and

WHEREAS, RCW 56.20.020 provides for the initiation of an improvement district by the resolution method; and

WHEREAS, the Board finds that the water improvements will be of special benefit to the properties hereinafter described; and

WHEREAS, although the District Engineer determined that the petition has been signed by the owners, according to the records of the Whatcom County Auditor, of at least 51% of the area within the limits of the district to be created therefor, the Board desires to create the district through the resolution method;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington, as follows:

Section 1. It is the intention of the Board to order improvements which benefit the properties within the proposed utility local improvement district. The nature and territorial extent of the proposed improvements shall be as follows: the construction of 12-inch water mains along Semiahmoo Drive and Birch Point Road as shown on Exhibit A attached hereto and incorporated herein by this reference.

Such improvements shall be installed complete with all auxiliary valves, fittings, equipment and appurtenances necessary to the proper operation of the water system of the District.

The boundaries of the proposed district and legal description of the district are set forth in Exhibit B attached hereto and incorporated herein by this reference.

Section 2. The District shall acquire by gift, purchase, franchise, lease or condemnation all property, both real and personal, or any interest therein and all rights of way, franchises, permits and easements which may be found necessary to acquire, construct, and install the above-described improvements.

Section 3. It is hereby further provided that the herein-before authorized plan of improvements shall be subject to such changes as to details of said plan, not affecting the service to

be provided, as shall be authorized by the Board either prior to or during the actual course of construction.

Section 4. Said proposed local improvement district shall be designated "Utility Local Improvement District No. 8." The estimated cost and expense of the improvements described in Section 1 is \$265,000.00. One hundred percent of the cost of the improvements described in Section 1 shall be assessed against the property specially benefited by such improvements on the basis of the amount of the special benefits to such property. Actual assessments may vary from assessment estimates so long as they do not exceed an amount equal to the increased true and fair value the improvements add to the property. The assessments shall be for the sole purpose of payment into such revenue bond fund as may be specified by the Board for the payment of revenue bonds to be issued in part to defray the costs of such improvements.

Section 5. All persons who may desire to object to such improvements and the formation of a utility local improvement district are hereby notified to appear and present such objections at the meeting of the Board to be held in the Board Chambers of the District offices at 4895 Birch Bay-Lynden Road, Blaine, Washington, at 7:00pm on May 3, 1990, which time and place are hereby fixed for hearing all matters relating to said proposed improvements and all objections thereto and for determining the method of payment of said improvements. The

Clerk of the Board is hereby directed to give notice of said hearing in the manner required by law, with the date of the first publication to be at least fifteen days prior to the date of said hearing, and to mail a notice of such hearing setting forth the nature of the proposed improvements, the total estimated cost, the proportion of total cost to be borne by assessments, and the time and date of said hearing, at least fifteen days before the date thereof, to each owner or reputed owner of any lot, tract, parcel of land, or other property specially benefitted by said improvements, at the address shown on the tax rolls of the Whatcom County Treasurer.

ADOPTED at a regular meeting of the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington, held on the 8<sup>th</sup> day of March, 1990.

ATTEST:

*F. M. K. Kuss*  
Secretary of the Board

*Carl Fleinhart*  
*F. M. K. Kuss*  
*Peter Lewis*  
*James N. Bisher*  
Commissioners

EXHIBIT A

A tract of land within portions of Sections 21, 22 and 27, Township 40 North, Range 1 West of the Willamette Meridian, Whatcom County, Washington, more particularly described as follows:

BEGINNING at the Quarter corner common to said Sections 22 and 27;

Thence Southerly along the Easterly line of Government Lot 1, said Section 27 to the Southeast corner thereof;

Thence Westerly along the Southerly line of said Lot 1 to its intersection with the North line of said Section 27;

Thence Westerly along the Southerly line of Government Lot 1, said Section 22 to its intersection with the Westerly line of said Section 22;

Thence Westerly and Northerly along the Southwesterly line of Government Lot 4, said Section 21 to its intersection with the South line of Government Lot 3, said Section 21;

Thence Northerly along the Westerly line of said Lot 3 and Lot 2 to its intersection with the North line of Parcel No. 2 as described in "Mutual Boundary Line Agreement" recorded under Whatcom County Auditor's File No. 1410813;

Thence Easterly along said North line to its intersection with the centerline of Semiahmoo Drive (County Road No. 694);

Thence Southerly along said centerline to its intersection with the North line of the South 26 Acres of said Government Lot 3;

Thence Easterly along said North line to its intersection with the Easterly line of said Section 21;

Thence Easterly in a straight line to the Northwest corner of the South half of the Northeast quarter of the Southwest quarter of said Section 22;

Thence Easterly along the North line of said South half to its intersection with the North-South centerline of said Section 22, (center-line of County Road No. 482);

Thence Southerly along said centerline of Section 22 to the POINT OF BEGINNING.

## EXHIBIT B

A 12-inch waterline on Semiahmoo Drive from the intersection with the East-West centerline of Section 22, Township 40 North, Range 1 West, W.M., southerly to the intersection with Birch Point Road, then easterly along Birch Point Road to the intersection of the North-South centerline of said Section 22. From this point a temporary 4" waterline will continue easterly from Birch Point Road to Community Tract "A" near Lot 100, Division 12C of Birch Bay Village.

EXHIBIT C

NOTICE OF ADOPTION OF RESOLUTION OF INTENTION  
TO CREATE AND NOTICE OF HEARING ON CREATION OF  
UTILITY LOCAL IMPROVEMENT DISTRICT NO. 8

YOU ARE NOTIFIED that the Birch Bay Water and Sewer District received an advisory petition from at least 51% of property owners requesting the District to create a utility local improvement district for the construction of a 12-inch water main along Semiahmoo Drive and Birch Point Road. On March 8, 1990, the Board of Commissioners of the District adopted Resolution No. 482 declaring its intention to create Utility Local Improvement District ("ULID") No. 8 and to order the construction of such improvements. The boundaries of the proposed ULID are as set forth in that resolution.

The estimated cost of these improvements, and other expenses in connection with the improvements, is \$ 265,000.00, of which 100% of such costs shall be paid by special assessments levied against the property within the proposed ULID specially benefited by the proposed improvements. The assessments levied in ULID 8 shall be for the sole purpose of payment into such revenue bond fund as may be specified by the Board for the payment of revenue bonds to be issued to defray the costs of the above improvements. Actual assessments may vary from assessment estimates so long as they do not exceed an amount equal to the increased true and fair value the improvements add to the property.

You are notified that a meeting of the Board will be held at the District offices, Board Chambers, 4895 Birch Bay-Lynden Road, Blaine, Washington at 7:00 pm, on May 13, 1990, which time and place are fixed for hearing of matters relating to such formation and improvements and for determining the method of payment thereof. Persons desiring to object to the improvements and the formation of the proposed ULID may appear at the hearing to state their views.

All persons desiring to object to the formation of the ULID must file their written protests with the Secretary of the Board of Commissioners no later than 10 days after the public hearing. If owners of at least 40% of the area of land within the proposed ULID file written protests with the Secretary of the Board, the power of the Commission to proceed with the creation of the ULID shall be divested.

The Secretary of the Board is Darwin Kruse. Mr. Kruse's address is 4895 Birch Bay-Lynden Road, Blaine, WA 98230. The

names of the property owners within ULID No. 8 are available at the District's office between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

The estimated amount of the cost and expense of such improvements to be borne by and assessed against the described lot, tract or parcel of land of which you are the owner or reputed owner as shown on the tax rolls of the Whatcom County Treasurer is as stated below.

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Secretary of the Board

Name of Owner:

Legal Description of Property:

Estimated Amount of Assessment  
Against the Foregoing Property:



SECRETARY'S CERTIFICATE

I, the undersigned, the duly chosen, qualified and acting Secretary of the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington (the "District"), and keeper of the records of the Board of Commissioners (herein called the "Board") DO HEREBY CERTIFY:

1. That the attached is a true and correct copy of Resolution No. 482 (herein called the "Resolution") of the Board as finally adopted at a regular meeting of the Board held on the 8<sup>th</sup> day of March, 1990, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a quorum was present throughout the meeting and a legally sufficient number of members of the Board voted in the proper manner for the adoption of the Resolution; that all other requirements and proceedings incident to the proper adoption of the Resolution have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 8<sup>th</sup> day of March 8, 1990.

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Secretary of the Board