

RESOLUTION NO. 489

A RESOLUTION of the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington, ordering certain local improvements and creating a utility local improvement district; providing for the payment of the cost of such improvements by special assessments; and authorizing payment of such assessments into the revenue bond fund of the District.

WHEREAS, on March 8, 1990, the Board of Commissioners of Birch Bay Water and Sewer District (the "District") adopted Resolution No. 482 declaring its intention to order certain local improvements within the District and to create a utility local improvement district; and

WHEREAS, a hearing was held on May 3, 1990, after notice as provided by law, and after discussion of the proposed improvements and due consideration thereof and of all objections thereto, the Board has determined to order the local improvements described below and to create a utility local improvement district; and

WHEREAS, estimates of the costs and expenses of the proposed improvements, a description of the boundaries of the district, a statement of what portion of the costs and expenses of the improvements would be borne by the property within the proposed district, a statement in detail of the local improvement assessments outstanding and unpaid against property in the proposed district and a diagram showing the lots, tracts and parcels to be benefited and other information pertaining to the

proposed district, have been filed with the Secretary of the Board and certified to the Board;

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

Section 1. The District shall acquire, construct and install a 12-inch water main along Semiahmoo Drive and Birch Point Road in the District as shown on Exhibit A attached hereto and incorporated herein by this reference. The foregoing improvements are hereafter referred to as the "Improvements."

Section 2. The plans and specifications for the Improvements, as prepared by the District Engineer, and now on file in the Office of the District, are hereby adopted and approved. The Improvements, when completed, shall be in accordance with said plans, the provisions of this resolution and any other resolutions as may hereafter be adopted in connection herewith; provided, however, that changes in detail of such plans that do not significantly alter the scope or costs of the Improvements will not require further approval.

Section 3. There is hereby established a utility local improvement district of the District to be known as "Utility Local Improvement District No. 8" (herein referred to as "ULID No. 8"). The boundaries of ULID No. 8 shall be as described in Exhibit B attached hereto and incorporated herein by this reference.

It is hereby found that the above-described boundaries embrace as nearly as practicable all the property specially benefited by the Improvements.

Section 4. The total cost and expense of the Improvements and all work necessary in connection therewith and incidental thereto is estimated to be \$ 402,000.-, of which 100% shall be borne by and assessed against the property within ULID No. 8 specially benefited by the Improvements.

Section 5. Upon completion of the Improvements, an assessment roll shall be prepared and, after notice and hearing in the manner provided by law, an assessment roll shall be confirmed. Assessments not paid within the 30-day prepayment period provided by law shall be payable in installments and the District shall issue revenue bonds payable from such unpaid installments. The number of years said installments shall run, the dates of payment of the same and the rate of interest that the unpaid installments shall bear shall be as hereafter fixed by resolution. Such assessments shall be paid into the [Construction Fund heretofore created or the revenue bond fund to be created] by the District and shall be used solely for the payment of the revenue bonds hereafter to be issued to defray the cost of the Improvements to be constructed in ULID No. 8.

ADOPTED at a regular meeting of the Board of Commissioners
of Birch Bay Water and Sewer District, Whatcom County,
Washington, held on the 17th day of May, 1990.

Carl F. Luyphardt
Peter Lewis
Francis A. Sisch
Commissioners

ATTEST:

Dominic Kuss
Secretary of the Board

EXHIBIT A

(Attach Map showing where the water main will go)

EXHIBIT B

(Attach Legal Description of ULID)

SECRETARY'S CERTIFICATE

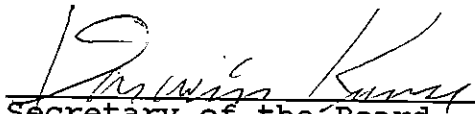
I, the undersigned, the duly chosen, qualified, and acting Secretary of the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington (the "District"), and keeper of the records of the Board of Commissioners (herein called the "Board"), DO HEREBY CERTIFY:

1. That the attached is a true and correct copy of Resolution No. 489 (herein called the "Resolution") of the Board as finally adopted at a regular meeting of the Board held on the 17th day of May, 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.

LID044 90/02/26

IN WITNESS WHEREOF, I have hereunto set my hand this 17th
day of May, 1990.


Secretary of the Board

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LID044 90/02/26

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.

BIRCH
POINT

BIRCH BAY WATER & SEWER DISTRICT
4895 BIRCH BAY-LYNDEN ROAD
BLAINE, WASH. 98230-9616
PHONE (206) 371-7100

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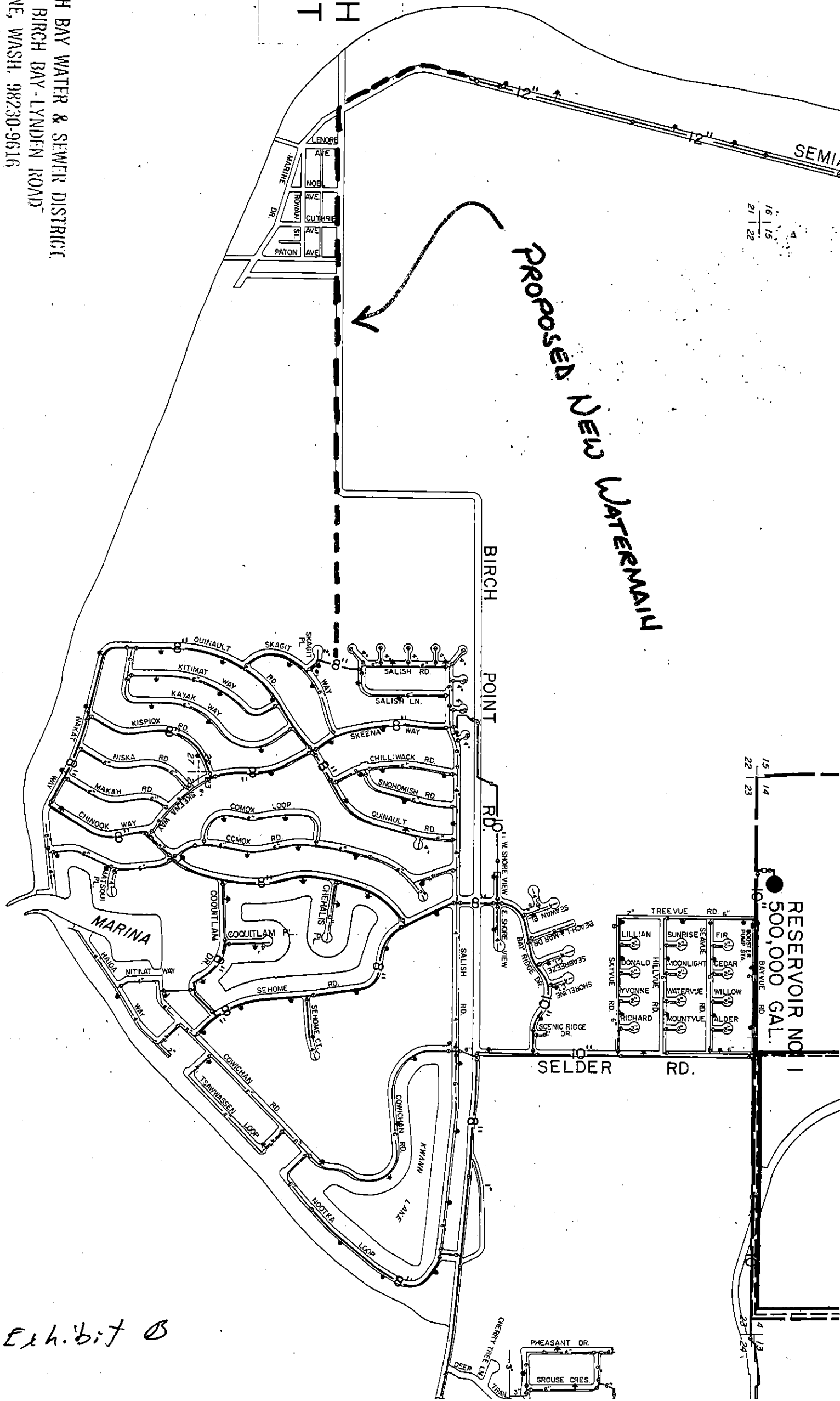


Exhibit B