

RESOLUTION NO. 535

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 October 7, 1993, the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington (the "District") adopted Resolution No. 530 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 November 18, 1993, 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 Clerk 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 part of the sewer comprehensive plan consisting of the following improvements within the following described area

of the District: approximately 4,500 feet of eight-, ten- and twelve-inch gravity sewer line along California Trail and Harbor Drive.

The foregoing improvements are hereafter referred to as the "Improvements." The above-described trunk and lateral sewers shall be installed complete with all necessary manholes, lampholes, wyes, ties, side sewers and other appurtenances necessary to the proper operation of the sewer system.

Section 2. The plans and specifications for the Improvements, as prepared by the District Engineer, and now on file in the District's office, are hereby adopted and approved. 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 Improvements. 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 the Improvements are subject to such changes in detail that do not significantly alter the scope or costs of the Improvements as shall be authorized by the Board either prior to or during the actual course of construction.

Section 3. There is hereby established a utility local improvement district of the District to be known as "Utility Local Improvement District No. 11" (herein referred to as "ULID No. 11"). The boundaries of ULID No. 11 shall be as described in Exhibit A 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 \$758,117, of which 100% shall be borne by and assessed against the property within ULID No. 11 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 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 such revenue bond fund as may be specified by the Board for the payment of the revenue bonds hereafter to be issued to defray the cost of the Improvements to be constructed in ULID No. 11.

ADOPTED at a regular meeting of the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington, held on the 2nd day of December, 1993.

Peter Lewis

Carl Hinchhardt

Parvinder Kaur

ATTEST:

Peter Lewis

Secretary of the Board

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:

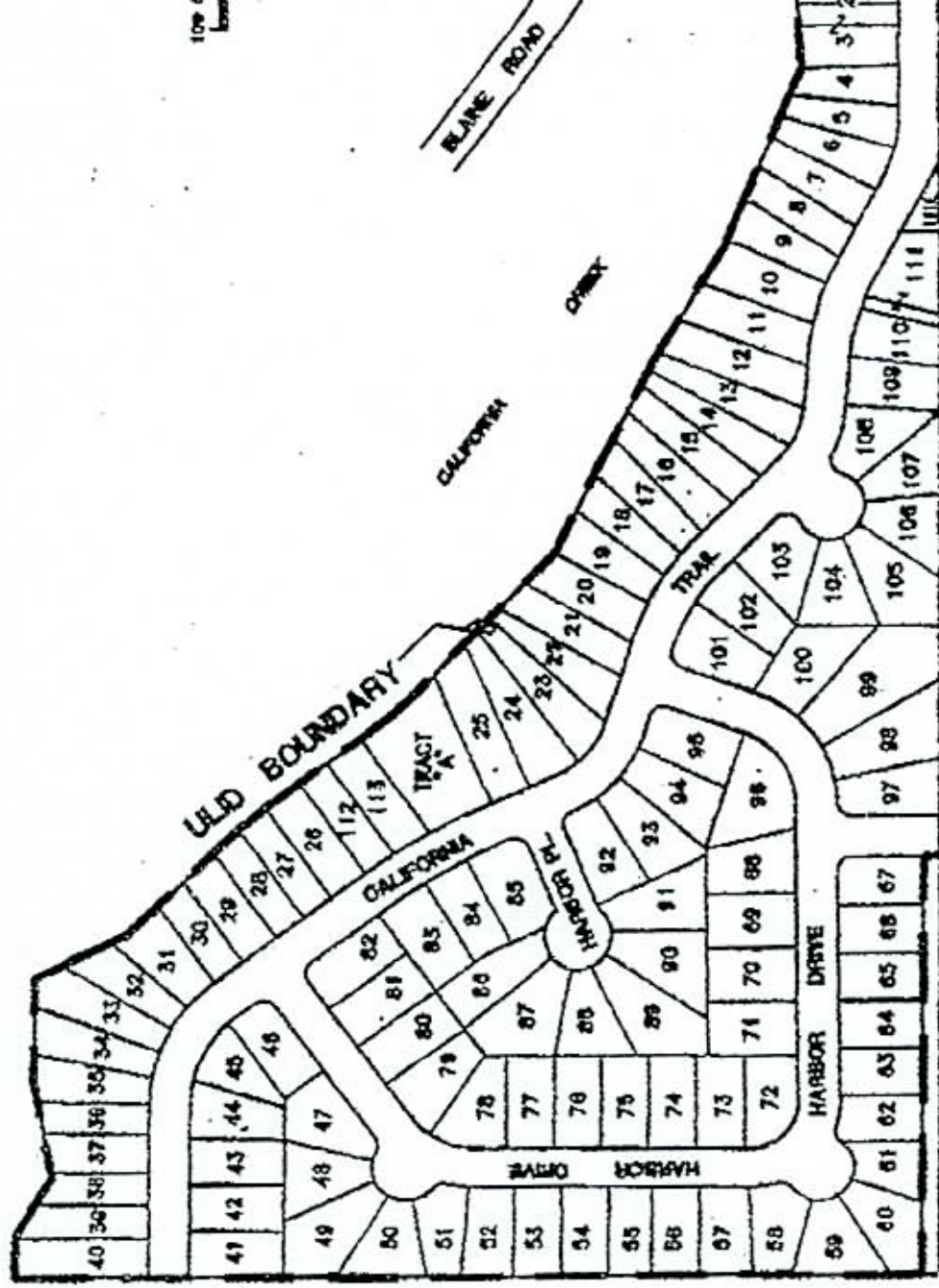
1. That the attached is a true and correct copy of Resolution No. 535 (herein called the "Resolution") of the Board as finally adopted at a regular meeting of the Board held on the 2nd day of December, 1993, and duly recorded in my office.

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 16th day of December, 1993.



Secretary of the Board



PLAT OF SUNDAY HARBOR

ULID #11 SEWER SYSTEM
ULID #12 WATER SYSTEM

LAW OFFICES OF

**SIMONARSON, VISSER,
ZENDER & THURSTON**

A PROFESSIONAL SERVICE CORPORATION

PETER JAY VISSER
DANIEL D. ZENDER
HAL THURSTON
HUGH LEWIS
LAUGHLAN H. CLARK
DEBORRA E. GARRETT

STEVE CHANCE
ROBERT CARMICHAEL
(ASSOCIATES)

EINAR SIMONARSON
(RETIRED)

PLEASE REPLY TO:
Lynden

November 11, 1993

Westside Record Journal
2008 Main Street
Ferndale, Washington 98248

RE: Publication Notices
Birch Bay Water and Sewer District


To Whom It May Concern:

Enclosed please find two (2) Notice of Publications. One for ULID 13 and one for ULID 14. Please see that these are published in two (2) consecutive issues of the Westside Record Journal.

Thank you for your time and attention to this matter. Should you have any questions concerning this matter, please do not hesitate to contact the undersigned.

Sincerely,

SIMONARSON, VISSER
ZENDER & THURSTON


Darlene K. Nelson
Legal Assistant

Enclosures

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