

RESOLUTION NO. 536

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. 531 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 benefitted 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 water comprehensive plan consisting of the following improvements within the following described area of the District:

approximately 4,500 feet of eight-inch water line along California Trail and Harbor Drive (to replace existing water lines) and five hydrants along such roads.

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 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. 12 (herein referred to as "ULID No. 12"). The boundaries of ULID No. 12 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 benefitted 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 \$365,418 of which 100% shall be borne by and assessed against the property within ULID No. 12 specially benefitted 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 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. 12.

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 J. Leikhardt
Dorinda Kump

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:

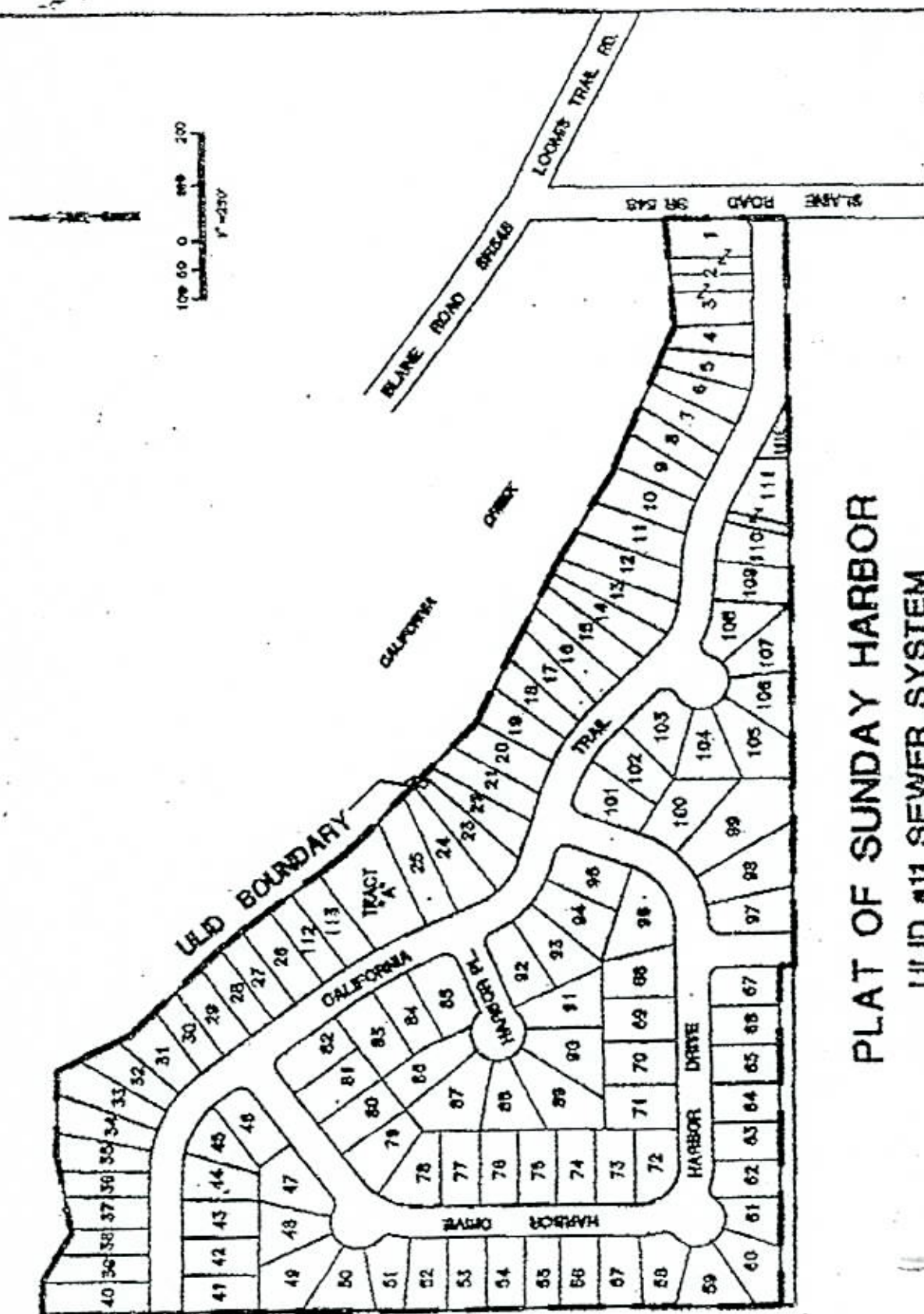
1. That the attached is a true and correct copy of Resolution No ~~536~~ (herein called the "Resolution") of the Board as finally adopted at a regular meeting of the board held on the 2nd day of December, 1993, and duly recorded in my office.

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

EXHIBIT A



PLAT OF SUNDAY HARBOR
 ULID #11 SEWER SYSTEM
 ULID #12 WATER SYSTEM