

RESOLUTION NO. 545

A RESOLUTION of the Board of Commissioners of the 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 sewer improvements within the boundaries of said proposed utility local improvement district; setting forth the nature and territorial extent of such proposed improvements; 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 utility local improvement district.

WHEREAS, the Board of Commissioners (the "Board") of the Birch Bay Water and Sewer District, Whatcom County, Washington (the "District"), has received a petition from property owners signed by owners of more than 51% of the area within the proposed district, requesting the formation of a utility local improvement district to finance the construction and installation of certain sewer improvements in the area known as Double R Ranch, as described herein; and

WHEREAS, the petition is sufficient and the District now wishes to proceed with the undertaking of said improvements and to establish a utility local improvement district in connection therewith; and

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE BIRCH BAY WATER AND SEWER DISTRICT, WHATCOM COUNTY, WASHINGTON, as follows:

ORIGINAL

Section 1. It is the intention of the Board to order improvements which benefit the area shown and legally described on Exhibit A attached hereto and incorporated herein by this reference, by the acquisition, design, construction and installation of the following improvements: approximately 13,700 feet of eight-, twelve- and fifteen-inch gravity sewer lines along Hickok, Custer, Boone, Masterson, Bridger, Cody and Carson Roads (the "Improvements").

Section 2. The Improvements shall be installed complete with all necessary auxiliary valves, fittings, equipment and other appurtenances necessary to the proper operation of the sewer system of the District.

Section 3. 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.

Section 4. It is hereby further provided that the 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 5. It is the intention of the Board to order the formation of a utility local improvement district for the undertaking of the Improvements and including the area set forth on the attached Exhibit A. Said proposed utility local improvement district shall be designated "Utility Local Improvement District No. 13." The estimated cost and expense of the Improvements is \$1,185,794. All of the cost of the Improvements shall be assessed against the property specially benefited by such improvements, on the basis of the amount of the special benefits to such 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 the Improvements. Actual assessments may vary from the assessment estimates so long as they do not exceed a figure equal to the increased true and fair value that the Improvements add to the property.

Section 6. All persons who may desire to object to the 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 at the District office, 7096 Point Whitehorn Road, Birch Bay, Washington, at 4:30 p.m. on Thursday, June 23, 1994, which time and place are hereby fixed for hearing all matters relating to the proposed Improvements and all objections thereto and for determining the method of payment of the Improvements. The Secretary of the Board is hereby directed to:

A. arrange for publication of notice of said hearing (in the form attached as Exhibit B hereto) in two consecutive issues of a newspaper of general circulation in the proposed utility local improvement district, with the date of the first publication to be at least 15 days prior to the date of said hearing;

B. arrange for mailing a notice of such hearing (in the form attached as Exhibit C hereto) setting forth the nature of the proposed Improvements, the total estimated cost, the estimated benefits of the Improvements to the particular lot, tract or parcel of land, and the time and date of said hearing, at least 15 days before the date thereof, to each owner or reputed owner of any lot, tract, parcel of land, or other property specially benefited by said Improvements, at the address shown on the tax rolls of the Whatcom County Treasurer; and

C. maintain a list of reputed property owners within the utility local improvement district on file at the offices of the District and available for public perusal.

ADOPTED at a regular meeting of the Board of Commissioners of the Birch Bay Water and Sewer District, Whatcom County, Washington, held on the 12th day of May, 1994.

BIRCH BAY WATER AND SEWER
DISTRICT, WHATCOM COUNTY,
WASHINGTON



Commissioner



Commissioner



Commissioner

ATTEST



Secretary of the Board

LEGAL DESCRIPTION**DOUBLE R RANCH**

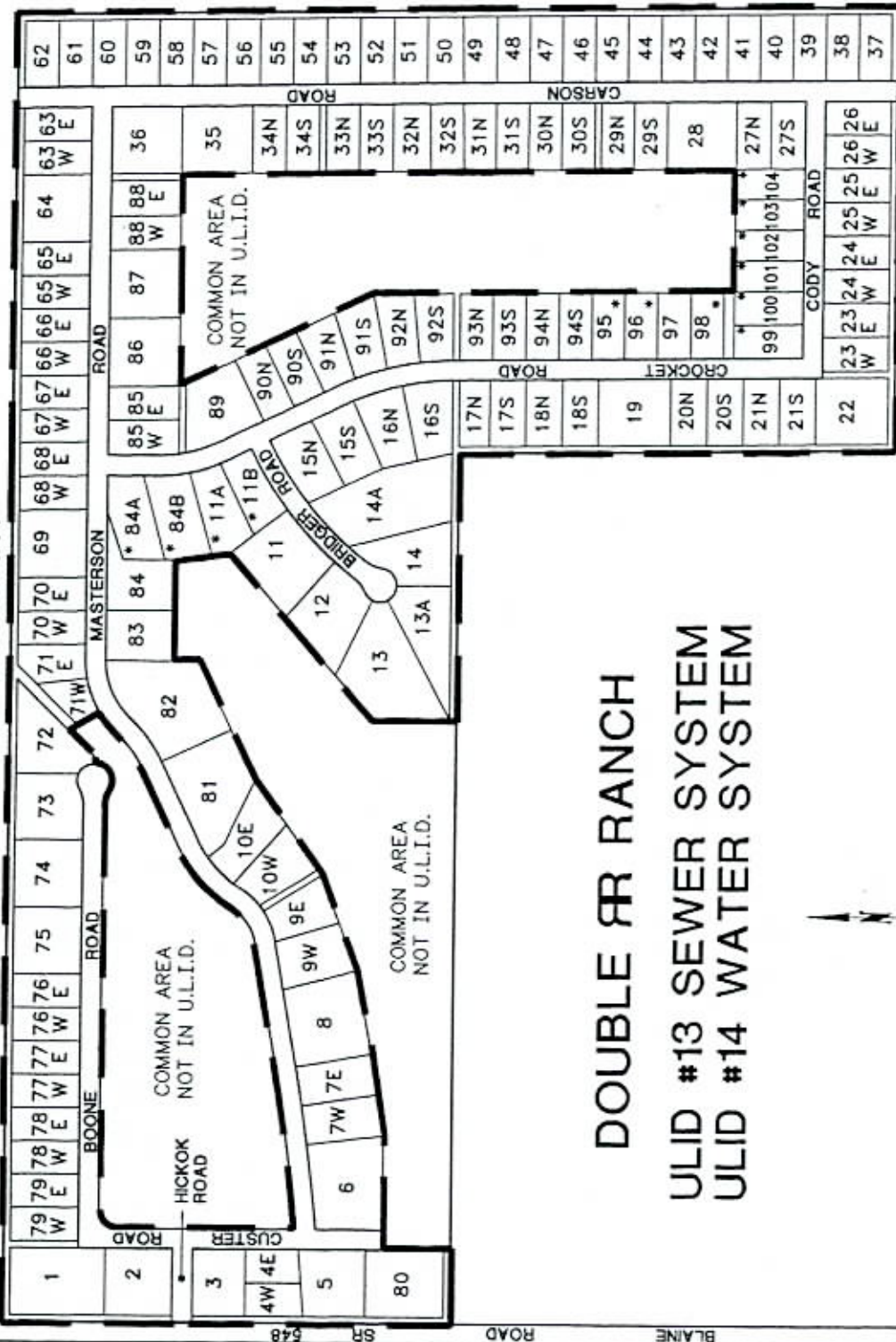
All that portion of the plat of Double R Ranch as recorded in Volume 9 of Plats, pages 87-88, records of Whatcom County, Washington and the Lease Lots 11A, 11B, 84A, 84B and 95 through 104 within said plat.

EXCEPT all that portion of the easterly common area within said plat more particularly described as follows: Beginning at northwest corner of Lot 27 of said plat; Thence north along the west line of Lots 28 through 35 and the northerly projections of said west line across the 20-foot common area access between Lots 29/30 and 33/34 to the easterly projection of the south line of Lots 86 through 88 of said plat; Thence west along said projection and south line to a line perpendicular to the northeast corner of Lot 89 of said plat; Thence south along said perpendicular line to the northeast corner of Lot 89; Thence southeasterly along the northeasterly line of Lots 89 through 91 to the northeast corner of Lot 92; Thence south along the east line of Lots 92 through 94, Lease Lots 95 through 98 and the southerly projections of said east line across the 20-foot common area access between Lots 92/93 and Lease Lots 98/100 to the north line of Lots 100 through 104; Thence east along said north line to the point of beginning.

AND EXCEPT all that portion of the southerly common area within said plat more particularly described as follows: Beginning at the most northerly corner of Lot 11 of said plat; Thence north along the west line of Lease Lots 11A and 84B to the south line of Lots 83 and 84; Thence west along said south line to the east line of Lot 82; Thence south and southwesterly along the east, southeasterly and south lines of Lots 81 and 82, 6 through 10, Custer Road and southwesterly connection across the 20-foot common area access between Lots 9 and 10 to the east line of Lot 80; Thence southerly along said east line and its southerly extension to the south line of said plat; Thence east along said south line to the southerly extension of the west line of Lot 13; Thence north along said west line and southerly projection to the northwesterly line of Lots 11 through 13; Thence northeasterly along said northwesterly line to the point of beginning.

AND EXCEPT all that portion of the northerly common area within said plat bounded on the north by Boone Road and portions of the south line of Lot 72, on the west by Custer Road, on the south by Masterson Road and on the east by the southwesterly line and its northwesterly extension of Lot 71.

ULID BOUNDARY



DOUBLE RR RANCH

ULID #13 SEWER SYSTEM

ULID #14 WATER SYSTEM

*LEASED LOT

EXHIBIT B

[Form of published notice]

NOTICE OF ADOPTION OF RESOLUTION OF INTENTION TO CREATE AND NOTICE OF HEARING ON CREATION OF UTILITY LOCAL IMPROVEMENT DISTRICT NO. 13

YOU ARE NOTIFIED that the Board of Commissioners of the Birch Bay Water and Sewer District, Whatcom County, Washington, received a petition from owners of 53% of the area of land within a proposed utility local improvement district and on April 28, 1994 adopted Resolution No. ___ declaring its intention to create Utility Local Improvement District No. 13 ("ULID 13") and to order the construction of certain improvements to the sewer system of the District within said ULID 13. The boundaries of the proposed ULID are as set forth in that resolution.

The proposed improvements consist of the acquisition, design, construction and installation of the following improvements: approximately 13,700 feet of eight-, twelve- and fifteen-inch gravity sewer lines along Hickok, Custer, Boone, Masterson, Bridger, Cody and Carson Roads in the area of Birch Bay known as Double R Ranch.

The estimated cost of these improvements, and other expenses in connection with the improvements, is \$1,185,794, of which 100% shall be paid by special assessments levied against the property within the proposed ULID 13 specially benefited by the proposed improvements. The assessments levied in ULID 13 shall be for the sole purpose of payment into such revenue bond fund as may be specified by the Board of Commissioners for the payment of revenue bonds to be issued to defray the costs of the above improvements. Actual assessments may vary from the assessment estimates so long as they do not exceed a figure equal to the increased true and fair value that the improvements add to the property.

You are notified that a meeting of the Board of Commissioners will be held at the District office, 7096 Point Whitehorn Road, Birch Bay, Washington, at 4:30 p.m. on Thursday, June 23, 1994, 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 13 may appear at the hearing to state their views.

The name of the Secretary of the Board is Donald Montfort. The address of the Secretary of the Board is _____, Birch Bay, WA 98230-9675.

The names of the property owners within the proposed ULID 13 are kept available for public perusal at the District's office from 8:00 a.m. to 4:30 p.m., Monday through Friday.

Secretary of the Board of Directors,
Birch Bay Water and Sewer District,
Whatcom County, Washington

EXHIBIT C
[Form of mailed notice]

NOTICE OF ADOPTION OF RESOLUTION OF INTENTION
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The name of the Secretary of the Board is Donald Montfort. The address of the Secretary of the Board is _____, Birch Bay, WA 98230-9675.

The names of the property owners within the proposed utility local improvement district are kept available for public perusal at the District's office from 8:00 a.m. to 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.

Secretary of the Board of Directors,
Birch Bay Water and Sewer District,
Whatcom County, Washington

Name of Owner:

Legal Description of Property:

Estimated Amount of Assessment
Against the Foregoing Property:

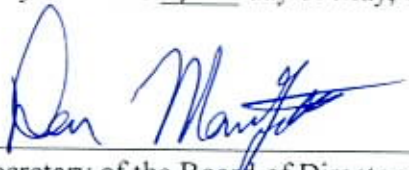
SECRETARY'S CERTIFICATE

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

1. That the attached is a true and correct copy of Resolution No. 545 (the "Resolution") of the Board as finally adopted at a regular meeting of the Board of Commissioners held on the 12th day of May, 1994, 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 12th day of May, 1994.


Secretary of the Board of Directors