

RESOLUTION NO. 547

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 May 12, 1994, the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington (the "District") adopted Resolution No. 545 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 June 23, 1994, 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 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 sewer comprehensive plan consisting of the following improvements within the following described area of the District: approximately 13,700 feet of eight-, twelve- and fifteen-inch gravity sewer lines

along Hickok, Custer, Boone, Masterson, Bridges, Cody and Carson Roads (the "Improvements"). 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.

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. 13 (herein referred to as "ULID No. 13"). The boundaries of ULID No. 13 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 \$1,185,794 of which 100% shall be borne by and assessed against the property within ULID No. 13 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. 13.

ADOPTED at a regular meeting of the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington, held on the 14th day of July, 1994.

Peter Lewis
Don Meryel
Carl F. Hunkeler

ATTEST:

Don Meryel
Secretary of the Board

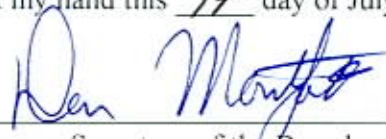
SECRETARY'S CERTIFICATE

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:

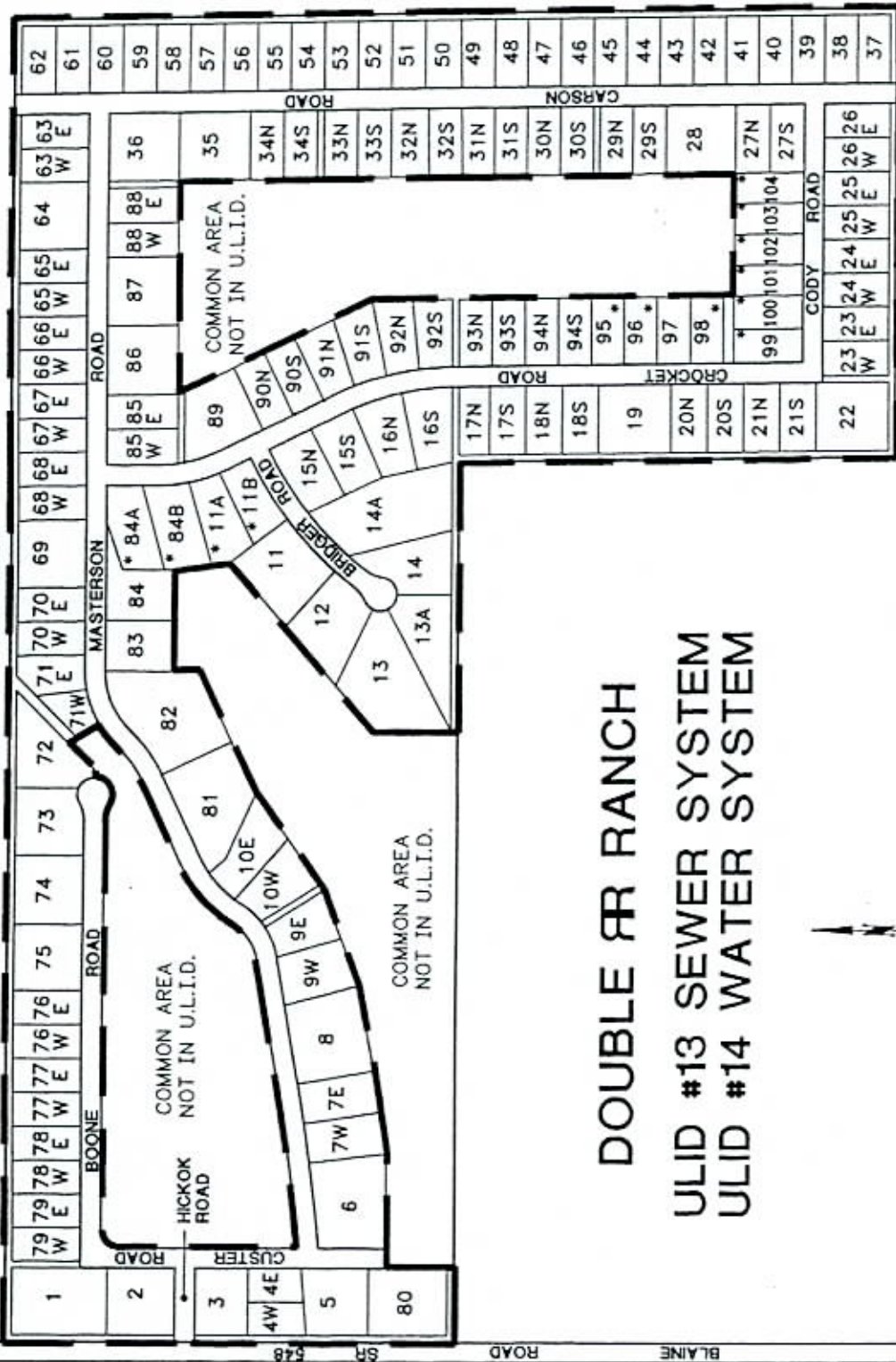
1. That the attached is a true and correct copy of Resolution No. 547 (herein called the "Resolution") of the Board as finally adopted at a regular meeting of the board held on the ____ day of July, 1994, and duly recorded in my office.

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 14th day of July, 1994.


Secretary of the Board

ULID BOUNDARY



DOUBLE RR RANCH ULID #13 SEWER SYSTEM ULID #14 WATER SYSTEM



* LEASED LOT

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.