

RESOLUTION NO. 72

A RESOLUTION of the Board of Commissioners of Water District No. 8, Whatcom County, Washington, creating Utility Local Improvement District No. 2 of the water district and establishing the boundaries thereof; ordering the acquisition, construction and installation of certain improvements therein; adopting detailed plans therefor; and declaring the estimated cost thereof.

WHEREAS, on April 5, 1973, the Board of Commissioners of Water District No. 8, Whatcom County, Washington, adopted Resolution No. 61, wherein the Board declared its intention to create Utility Local Improvement District No. 2 of the water district and to improve the area within the proposed boundaries of said utility local improvement district by the acquisition, construction and installation of certain sanitary sewage collection facilities together with all appurtenances necessary therefor, all as provided in the comprehensive plan for a system of sewers for the water district as added to and amended and as applicable to the area within such proposed boundaries; and

WHEREAS, notice of the hearing on said Resolution No. 61 was given by publication and mailing in the manner required by law; and

WHEREAS, as provided in said resolution and mailed notice of hearing, said hearing was held at 7:30 P.M. Daylight Saving Time on May 9, 1973 at the Grange Hall at Birch Bay, Washington, at which time and place the Board of Commissioners of the water district heard all objections made by persons affected by the formation of said utility local improvement district and considered all of the same and all of the written objections to the formation of said utility local improvement district presented and filed at the office of the Secretary of the Board of Commissioners prior to the time and date of said hearing; and

WHEREAS, after consideration of all of said written and oral protests the Board of Commissioners now finds that all of the same should be denied and that said utility local improvement district

should be created, encompassing the property described in said Resolution No. 61, and that the improvements described in said resolution to be acquired, constructed and installed should be ordered to be so acquired, constructed and installed;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Water District No. 8, Whatcom County, Washington, as follows:

Section 1. After due consideration of all of the oral and written protests made and filed to the creation of Utility Local Improvement District No. 2 and to the ordering of the acquisition, construction and installation of the improvements provided in the comprehensive plan of the water district as amended for the area in said utility local improvement district, as such improvements are more particularly described in said Resolution 61 and herein, it is hereby found and ordered (a) that all of such objections and protests be and they are hereby denied; and (b) that Utility Local Improvement District No. 2 of Water District No. 8, Whatcom County, Washington, should be and is hereby created as of the date of adoption of this resolution, and the boundaries thereof are hereby fixed as set forth in Exhibit "A" attached hereto and by this reference made a part hereof.

construction
Section 2. The acquisition, *construction* and installation of the following described improvements, all of which will be of special benefit to the property within the boundaries of said Utility Local Improvement District No. 2 is hereby ordered.

The district shall acquire, construct and install the following described sewers in, on, along and under the following described properties, streets, avenues, places, roads, highways and easements as set forth in Exhibit "B" attached hereto and by this reference made a part hereof.

The district shall construct and install all manholes, lampholes, wyes, tees and other appurtenances necessary to the

proper operation of the sewer system of the district, all in accordance with the requirements of the regulatory agencies and offices of the State of Washington and Whatcom County.

The sewer district shall acquire, by purchase or condemnation, gift or grant, or lease, all property, both real and personal or any interest therein, and all rights-of-way, franchises and easements which may be found necessary to acquire, construct and install the above described improvements, which are all as more particularly set forth in maps and plans prepared by Hill, Ingman, Chase & Company, consulting engineers of Seattle, Washington.

The district shall construct and install lift pump stations of varying sizes and employing a minimum of two (2) pumps each, with all appurtenances necessary thereto and whenever found to be necessary to provide a proper flow of sewage within the said system.

The district shall construct a sewage treatment plant with all necessary units for comminution, sedimentation, digestion, grit removal, aeration and disinfection, with all necessary mechanical, electrical and other devices and appurtenances required to reduce the sewage and reduce an affluent meeting the requirements of all federal, State of Washington and Whatcom County regulatory agencies and offices, on property to be acquired by the district by purchase or condemnation.

It is hereby further provided that the hereinbefore authorized plan of improvements shall be subject to such changes as to details of pipe size and location, or any other details of said plan which do not affect the service to be provided by the main general plan, as shall be authorized by the Board of Commissioners of the water district either prior to or during the course of actual construction.

Section 3. The detailed plans for the acquisition, construction and installation of such improvements as prepared by

Hill, Ingman, Chase & Company, engineers for the water district, are hereby approved and adopted.

The estimated cost and expense of carrying out said plan of improvements is hereby declared to be the sum of \$8,400,000, of which approximately \$4,500,000 of such costs shall be borne by and assessed against the real property within the boundaries of Utility Local Improvement District No. 2 specially benefited by said improvements. The balance of said cost shall be paid from other moneys of the sewer district available for such purposes.

then Section 4. In computing assessments for the cost of acquiring, constructing and installing the hereinbefore described improvements, the nature thereof and the properties abutting upon, adjacent or vicinal to the same is such that the special benefits conferred upon all of such properties are not in all cases fairly reflected by the zone and termini method of computing assessments, and in such cases the assessments shall then be made against such properties in accordance with the special benefits which they will derive from said improvements, without regard to the zone and termini method of computation of assessments.

PASSED by the Board of Commissioners of Water District No. 8, Whatcom County, Washington, at a regular meeting thereof held this 19th day of July, 1973.

WATER DISTRICT NO. 8
WHATCOM COUNTY, WASHINGTON

William Vogt
President and Commissioner

Mike O'Connor
Commissioner

Gordon Sullivan
Commissioner

ATTEST:

Gordon Sullivan
Secretary of said Commission

EXHIBIT "A"

Beginning at the Southeast corner of Government Lot 1, Section 2, township 39 North, Range 1 West, W.M.;

Thence West along the South line of said Government Lot 1 913.8 feet to the centerline of Whatcom County Road No. 119 as described in AF 782504, Records of Whatcom County, Washington;

Thence along said centerline North 172.0 feet; Thence N. 37°02'E. 225.1 feet; Thence N. 18°46'E. 169.0 feet; Thence N. 30°39'E. 78.0 feet; Thence N. 59°21'W. along a line which is at right angles to said centerline to its intersection with the shoreline of Birch Bay and the point of beginning;

Thence S. 59°21'E. along said line which is at right angles to said centerline to its intersection with said centerline;

Thence along said centerline S. 30°39'W. 78.0 feet; Thence S. 18°46'W. 169.0 feet; Thence S. 37°02'W. 225.1 feet; Thence South along said centerline 172.0 feet to its intersection with the South line of said Government Lot 1, which is also the East-West 1/4 line of said Section 2;

Thence Easterly along said 1/4 line to the 1/4 corner common to said Section 2 and Section 1, Township 39 North, Range 1 West, W.M.;

Thence Easterly along the 1/4 line of said Section 1 to the center of said Section 1;

Thence Northerly along the 1/4 line of said Section 1 and continuing Northerly along the 1/4 line of Section 36, Township 40 N., Range 1 West to the Northerly line of Terrell Creek;

Thence Northeasterly along the Northerly line of Terrell Creek to the East 1/16 line of said Section 36;

Thence Southerly along said East 1/16 line to the Northerly line of Highland Drive;

Thence Northeasterly and Easterly along said Northerly margin to the Westerly margin of Co. Rd. No. 212;

Thence Northerly along said Westerly margin to the South 1/16 line of said Section 36;

Thence Easterly along said South 1/16 line and continuing along the South 1/16 line of Section 31, Township 40 North, Range 1 East to its intersection with the Southerly extension of the East line of Block 21, Plat of Birch Bay Park;

Thence Northerly along said extension and continuing Northerly along the East lines of Blocks 21, 20, 19, 18, said Plat of Birch Bay Park, and their extensions to a line 150 feet South of and parallel to the 1/4 line of said Section 31;

Thence Easterly along said parallel line to the West 1/16 line of said Section 31;

Thence Southerly along said West 1/16 line to the South 1/16 line of said Section 31;

Thence Easterly along said South 1/16 line to the East 1/16 line of said Section 31;

Thence Northerly along said East 1/16 line to the North right-of-way line of Alderson Road No. 46;

Thence Westerly along said right-of-way line to the Southeast corner of Lot 5, Block 3, Parkland Add.;

Thence Northerly along the East line of said Lot 5 to the Northeast corner thereof;

Thence Westerly along the North lines of Lots 5, 4 and 3, said Block 3, to Southeast corner of Lot 1, said Block 3;

Thence Northerly along the East line of said Lot 1 to the Northeast corner thereof;

Thence Westerly along the North line of said Lot 1 to the Easterly margin of Parkland Drive;

Thence Northerly along said Easterly margin to the South line of Lot 5, Block 2, said Parkland Add.;

Thence Easterly to the Southeast corner of said Lot 5;

Thence Northerly along the East line of said Lot 5 to the Northeast corner thereof;

Thence Westerly along the North line of said Lot 5 to the Southeast corner of Lot 3, said Block 2;

Thence Northerly along the East line of said Block 2 to the Northeast corner of Lot A, said Block 2;

Thence Westerly along the North line of said Lot A and its Westerly extension to the East line of Lot A, Block 1, said Parkland Add.;

Thence Northerly along the East line of said Lot A, Block 1 to the Northeast corner thereof;

Thence Westerly along the North line of said Lot A, Block 1 to the Northwest corner thereof;

Thence Southerly along the West line of said Block 1 to a line 150 feet North of and parallel to the North margin of Alderson Road No. 46;

Thence Westerly along said parallel line to the West 1/16 line of said Section 31;

Thence Northerly along said West 1/16 line to its intersection with the Westerly extension of the South line of Block 1, First Add. to Whispering Pines;

Thence Easterly along said South line, its Easterly extension and the South line of Block 2, said First Add. to Whispering Pines to the East line thereof;

Thence Northerly along said East line and its Northerly extension to the North line of said Section 31;

Thence Easterly along said North line (which is also the South line of Section 30, Township 40 North, Range 1 East, W.M.) to the East 1/16 line of said Section 30;

Thence Northerly along said East 1/16 line to the South 1/16 line of said Section 30;

Thence Westerly along said South 1/16 line to the West 1/16 line of Section 30;

Thence Northerly along said West 1/16 line to the North 1/16 line of said Section 30;

Thence Easterly along said North 1/16 line to the 1/4 line of said Section 30;

Thence Northerly along said 1/4 line to a line 150 feet South of and parallel to the South margin of Birch Bay - Lynden Road;

Thence Easterly along said parallel line to the East line of said Section 30;

Thence Northerly along said East line to the North line of said Section 30;

Thence Westerly along said North line (which is also the South line of Section 19, Township 40 North, Range 1 East, W.M.) to the 1/4 line of said Section 19;

Thence Westerly along said North line to a line 150 feet East of and parallel to the East line of Harbor View Road No. 8;

Thence Northerly along said line 150 feet East of and parallel to the East line of said Harbor View Road to the South 1/16 line of said Section 19;

Thence Westerly along said South 1/16 line and continuing Westerly along the South 1/16 line of Section 24, Township 40 North, Range 1 West, W.M. to the East 1/16 line of said Section 24;

Thence Northerly along said East 1/16 line to the North right-of-way line of Anderson Road No. 695;

Thence Westerly along said North right-of-way line to the East right-of-way line of Shintaffer Road No. 470.

Thence Northerly along the East right-of-way line of Road No. 470 to a point 40 feet East of the Southeast corner of the North 12 acres of the East 1/2 of the Southwest 1/4, Northwest 1/4 of said Section 24;

Thence Westerly along the South line of said North 12 acres to the Southwest corner of said North 12 acres;

Thence Southerly along the West line of Birch Bay West End Estates to the 1/4 line of said Section 24;

Thence Westerly along the 1/4 line of Section 24 and 23, Township 40 North Range 1 West, W.M.; to the West right-of-way line of Birch Point Road No. 482 in Govt. Lot 2, said Section 23;

Thence Southeasterly along the West right-of-way line of said Road No. 482 to a road running Southwesterly through Govt. Lot 2 of said Section 23;

Thence Southwesterly along the West side of said Road to a creek;

Thence Westerly along said creek to the 1/4 line of said Section 23;

Thence Northerly along said 1/4 line to the center of said Section 23;

Thence Westerly along the 1/4 line of Section 23 and 22, Township 40 North, Range 1 West, W. M., to the East 1/16 line of said Section 22;

Thence Southerly along said 1/16 line to the South 1/16 line of said Section 22;

Thence Easterly along said South $1/16$ line to the Northeast corner of the West $1/2$ of the Southeast $1/4$, Southeast $1/4$, said Section 22;

Thence Southerly along the East line of said West $1/2$ to the South Section line of said Section 22;

Thence Southerly along the East line of the West $1/2$ of Govt. Lot 3, Section 27, Township 40 North, Range 1 West to the shoreline;

Thence along shoreline to the point of beginning.

EXHIBIT "B"

<u>Pipe Size</u>	<u>On</u>	<u>From</u>	<u>To</u>
8"	Cul-de-sac off Camas Rd. 110' S of Salish Rd.	End	Camas Rd.
8"	Cul-de-sac off Camas Rd. 380' S of Salish Rd.	End	Camas
8"	Cul-de-sac off Camas Rd. 640' S of Salish Rd.	End	Camas Rd.
8"	Cul-de-sac off Camas Rd. 770' S of Salish Rd.	End	Camas Rd.
8"	Skeena Way	Kispiox Rd.	Chinook Way
8"	Nakat Way	Kispiox Rd.	880' E of Chinook Way
8"	Matsqui	Comox Rd.	End
8"	Haida Way	Marina	850' E of Mitinat Rd
8"	Cowichan Rd.	Nitinat Rd.	Sehome Rd.
15"	Cowichan Rd.	Sehome Rd.	Nootka Loop
8"	Tsawwassen Loop	Cowichan Rd.	Cowichan Rd.
18"	Nootka Loop	Cowichan Rd.	Northeast end Birch Bay Rd.
18"	Birch Bay Dr.	1600' W of Shintaffer Rd.	1300' W of Shintaf- fer Rd.
8"	Birch Bay Dr.	Nootka Loop	400' W.
12"	Birch Bay Dr.	1300' W. of Shintaffer Rd.	1850' E of Shintaffer Rd.
8"	Anderson Rd.	Sunset St.	400' E of Beach Way Dr.
8"	Hazel Ln.	Sunset St.	Maple Crest Ave.
8"	Seaview Dr.	Sunset St.	Maple Crest Ave.
8"	Fir St.	400 ft. W. of Beach Way Dr.	400 ft. E. of Beach Way Dr.
8"	Salish Rd.	Camas Rd.	Centerline Section 23
8"	Cul-de-Sac at S. end of Camas Rd.	End	Camas Rd.

Exhibit "B"

Page Two

8"	Alder St.	Cedar Ave.	400' E of Beach Wy. Dr.
3"	Cowichan Rd.	Nootka Loop	250' E
8"	Fern St.	Cedar Ave.	Beach Wy. Dr.
8"	Cedar St.	Beach Wy. Dr.	400' E of Beach Wy Dr.
8"	Maple St.	Beach Wy. Dr.	700' E. of Beach Wy Dr.
15"	Birch Bay Rd	Beach Way Dr.	Alderson Rd.
8"	Forsberg Dr	Henley St.	Harbor View Rd.
8"	Comfort Ln.	Henley St.	Harbor View Rd.
10"	Birch Bay Lynden Rd.	Harbor View Rd.	500' W of Blaine Rd.
8"	Evergreen Ln.	Birch Bay Dr.	End
8"	Fir Tree Ln.	Birch Bay Dr.	End
8"	Pine-Tree Ln.	Birch Bay Dr.	End
8"	Shady Ln.	Birch Bay Dr.	End
8"	Birch Ln.	Birch Bay Dr.	End
8"	Cedar Ln.	Birch Bay Dr.	End
8"	Timber Ln.	Birch Bay Dr.	End
8"	Lora Lane	Birch Bay Dr.	600' E
24"	Alderson Rd.	Birch Bay Dr.	Sunset Dr. 350' E of Parkland Dr.
8"	Alderson Rd.	Sunset Rd.	1,330 ft W. of Blaine Rd.
8"	Sunset Dr.	Sterling Ave.	Boundry Ln.
8"	Fir Dr.	Sterling Ave.	Boundry Ln
8"	Birch Dr.	Morrison Ave.	Terrell Ave.
8"	Willow Dr.	Morrison Ave.	Terrell Ave.
8"	Broadway	Birch Bay Dr.	400' E Sunset Dr.
8"	Key St.	Wooldridge Ave.	Sunset Dr.
8"	Highland Dr.	Jackson Rd.	1600' SWly. of Jackson Rd.

<u>Pipe Size</u>	<u>On</u>	<u>From</u>	<u>To</u>
8"	Camas Rd.	800' S of Salish Rd	Salish Rd.
8"	Cul-de-sac 900 ft. W. of Chilliwack Rd.	Salish Rd.	End
8"	Cul-de-sac 600' W of Chilliwack Rd.	Salish Rd.	End
8"	Cul-de-sac 300' W of Chilliwack Rd	Salish Rd.	End
8"	Chilliwack Rd.	Salish Rd.	Snohomish Rd.
8"	Snohomish Rd.	Salish Rd.	Chilliwack Rd.
8"	Quinalt Rd.	Salish Rd.	Chilliwack Rd.
8"	Comox Rd.	Salish Rd.	Chinook Way
15"	Comox Rd.	Chinook Way	Nakat Way
8"	Kispiox Rd.	Skeena Way	Nakat Way
8"	Niska Rd.	Skeena Way	Nakat Way
8"	Makah Rd.	Skeena Way	Nakat Way
8"	Chinook Way	Comox Rd.	Nakat Way
8"	Sehome Rd.	Salish Rd.	600' SE of Salish Rd.
8"	Frances Ln.	Lora Ln	200' South
8"	Pine Dr	Lora Dr	200' South
8"	Parkland Dr.	200' N. of Alderson Rd.	North end
24"	Birch Bay Dr.	Alderson Rd.	Westerly exten- sion of Bay Rd.
8"	Morrison Ave.	Alderson Rd.	Wooldridge Ave.

<u>Pipe Size</u>	<u>On</u>	<u>From</u>	<u>To</u>
8"	Wooldridge Ave.	Sunset Dr.	Key Street
8"	Leeside Dr.	Alderson Dr.	Rob-Lee Dr.
8"	Rob-Lee Dr.	Leeside Dr.	Leeside Dr.
8"	Sterling Ave.	Alderson Rd.	Fir Dr.
18"	Jackson Rd.	Highland Dr.	Key St.
15"	Sehome Rd.	Cowichan Rd.	600' So of Salick Rd.
8"	Chinook Way	Skeena Wy.	Nakat Way
10"	Chinook Way	Skeena Way	Comox Rd
8"	Nakat Way	Kisprox Rd	Chinook Way
8"	Deer Trail	Birch Bay Rd	Fond Crescent Rd.
8"	Fond Crescent Rd.	Deer Trail	Cul-de-sac
8"	Shintaffer Rd.	Birch Bay Dr.	300' northerly Anderson Rd.
8"	Sunset Street	Seaview Dr.	Anderson Rd.
8"	Maple Crest Ave.	Birch Bay Dr.	700' North
8"	Cottonwood Dr.	Birch Bay Dr.	Morgan Dr.
8"	Cottonwood Court	Cottonwood Dr.	650' Northwesterly
8"	Morgan Dr.	Harbor View Rd.	1400' Northwesterly
8"	Henley St.	Harbor View Rd.	1050' Northwesterly
8"	Meril Pl.	Henley St.	150' Northerly
8"	Nitinat Way	Haida Way	Cowichan Rd.
18"	Harbor View Rd.	Birch Bay Lynden Rd.	1320' Northerly
21"	Harbor View Rd.	Birch Bay Dr	Birch Bay Lynden Rd
8"	Terrill Dr.	Morrison Ave.	Birch Dr.

8"	Poplar Pl.	Sunset Dr.	150 East
18"	Birch Bay Dr.	Alderson Rd.	800' Northerly of Priester Dr.
8"	Cotterill Blvd.	Maple St.	550' Northeasterly
8"	Maple St.	Birch Bay Dr.	Cotterill Blvd.
8"	Birch Bay Dr.	Priester Dr.	800' Northerly of Priester Dr.

EASEMENTS

12"	300' Easterly Comox Rd.	Sehome Rd.	Comox Rd.
8"	Southerly of Salish Rd	Salish Rd.	Sehome Rd.
8"	1600" Southerly of Salish Rd.	Comox Rd.	300' Easterly
8"	300' Easterly Deer Trail	Birch Bay Rd.	300' Northerly
8"	220' Northwesterly Forsberg Dr.	Henley Dr.	250' Northeasterly
18"	Along southerly line sec. 36	Birch Bay Dr.	Highland Dr.
F.M.	Along centerline Section 2	Priester Dr.	Approx. 1000' Easterly
8"	170' Northerly of Holeman Rd.	Priester Dr.	2300' Westerly

Sewage treatment facilities

9 lift stations

9500 L.F. Outfall