

RESOLUTION NO. 740

A RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF BIRCH BAY WATER & SEWER DISTRICT, WHATCOM COUNTY,  
WASHINGTON, REGARDING LOCAL FACILITIES CHARGES  
FOR PROPERTIES IN U.L.I.D. 13 and U.L.I.D. 14

WHEREAS, in 1994, the Board of Commissioners of Birch Bay Water and Sewer District (“Board”) adopted Resolution No. 546 creating U.L.I.D. 13 and Resolution No. 547 creating U.L.I.D. 14; and

WHEREAS, Lots 11A, 84B and 103 of the Plat of Double R Ranch as recorded in volume 9 of Plats, pages 87 and 88, records of Whatcom County, Washington, (“the Parcels”) within U.L.I.D. 13 and U.L.I.D. 14 have not paid their assessed costs for the improvements that served their properties; and

WHEREAS, District code 9.02.020 allows the District to set a local facility charge (LFC) to recover costs borne by the District directly attributable to properties seeking a connection to locally proximate District facilities, when such costs are not included within the Districts general facilities charges; and

WHEREAS, the Board has determined, pursuant to District code 9.02.020, that LFCs are appropriate for the Parcels; and

WHEREAS, on October 23, 2014, the Board held a public hearing on the LFCs proposed to apply to the Parcels; and

WHEREAS, no members of the public attended the October 23, 2014, public hearing on the LFCs proposed to be applied to the Parcels; and

WHEREAS, on January 22, 2015, the Board determined the exact amounts of the LFCs for each parcel, which took into account prior payments on each account; and

WHEREAS, the foregoing recitals and findings are a material part of this Resolution;

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 Local Facility Charges for the Parcels shall be set as follows:

- Lot 11A shall have an LFC of \$14,876.54.
- Lot 84B shall have an LFC of \$14,876.54.
- Lot 103 shall have an LFC of \$11,402.84.

Section 2: BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.


Section 3: If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of Commissioners hereby declare that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this Resolution should be declared invalid or unconstitutional, then the original Resolution or Resolutions shall be in full force and effect.

Section 4: This Resolution shall be effective immediately.

ADOPTED by the Board of Commissioners of Birch Bay Water & Sewer District, Whatcom County, Washington, at a regular meeting held the 12 day of February, 2015.

  
COMMISSIONER

  
COMMISSIONER

  
COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 740 of Birch Bay Water & Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on February 12, 2015.

  
SECRETARY