

RESOLUTION 314

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF
WHATCOM COUNTY WATER DISTRICT NO. 8, WHATCOM
COUNTY, WASHINGTON, AUTHORIZING INSTALLMENT
PAYMENTS OF LATECOMER'S CHARGES

WHEREAS, the Board of Commissioners desires to permit property owners who are faced with substantial latecomer's charges at the time of their connecting their sewers to the District's system and/or obtaining water from the District pursuant to Resolutions 75, 139, 149 and 222; and

WHEREAS, the extending of time for installment payments up to ten (10) years will place those property owners subject to latecomer's charges in a more equal position relative to property owners paying assessments in Utility Local Improvement Districts;

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

The manager of the District is authorized to enter into agreements substantially in the form of Exhibit A attached hereto for the payment in installments of latecomer's charges assessed pursuant to Resolutions 75, 139, 149 and 222 or any amendments thereof, provided:

91) The total charges for water hookup or for sewer hookup must be more than ONE THOUSAND DOLLARS (\$1,000.00);

(2) Before entering any such agreement, the District must receive a down payment of twenty (20%) percent of the amount of the latecomer's charge;

(3) The number of equal annual installments in said contract shall in no event exceed nine (9) in number, and, in the case of property being connected subject to a Developer Extension Agreement, the time for payment shall not extend beyond the life of the Developer Extension Agreement;

(4) The first annual installment under said contract shall be due one (1) year after the date of the contract and on the same date each year thereafter, unless the anniversary date shall fall on a Saturday, Sunday, or holiday, in which case the due date shall be the first working day thereafter;

(5) There shall be added to the principal sum due under said contract interest at the rate of nine (9%) percent per annum on the unpaid balance until said principal is paid;

(6) Sixty (60) days after non-payment of any annual installment, the entire unpaid principal and interest shall become due, and said sum shall thereupon be considered a delinquent connection charge under Resolutions No. 75, 139, 149, 222, or any amendments thereof, and the District shall thereupon assess applicable penalties and certify said delinquency to the County Treasurer for lien foreclosure proceedings pursuant to the laws of the State of Washington;

(7) The District shall record said agreement, thereby giving notice thereof to subsequent purchasers of the subject properties.

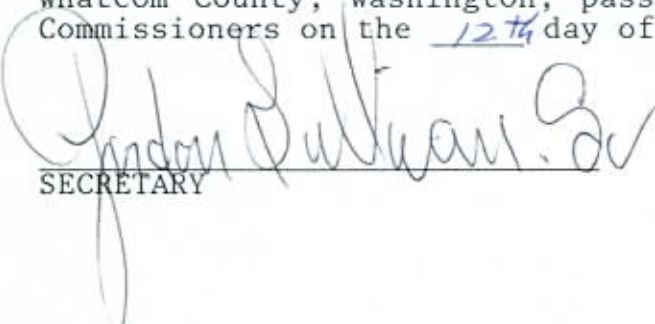
PASSED by the Board of Commissioners of Whatcom County Water District No. 8, Whatcom County, Washington, at a regular meeting thereof, held on the 11th day of January, 1979. REPASSED by the Board of Commissioners of Whatcom County Water District No. 8, Whatcom County, Washington, at a regular meeting thereof held on the _____ day of April, 1979.





COMMISSIONERS

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 314 of Whatcom County Water District No. 8, Whatcom County, Washington, passed and adopted by the Board of Commissioners on the 12th day of April, 1979.



SECRETARY

EXHIBIT "A"

AGREEMENT FOR PAYMENT OF LATECOMER'S CONNECTION CHARGE

THIS AGREEMENT, by and between _____, hereinafter termed the "owner", and
WHATCOM COUNTY WATER DISTRICT NO. 8, hereinafter termed the "district",

W I T N E S S E T H:

WHEREAS, the owner has connected his private sewer system from the hereinafter described property to the district's sewer system and is thereby liable for payment of a latecomer's charge pursuant to Resolutions 139 and 149 of Whatcom County Water District No. 8; and

WHEREAS, the owner desires to pay the aforementioned latecomer's charge on an installment basis, pursuant to the terms of Resolution _____ of Whatcom County Water District No. 8, and said owner has made a twenty percent (20%) down payment in accordance with said resolution;

NOW, THEREFORE, IT IS HEREBY AGREED by and between the parties as follows:

1. In consideration of the district's accepting connection of the owner's sewer to the district's system prior to receipt of full payment of the latecomer's charge owing to the district, the owner promises to pay to the order of the district the principal sum of _____ dollars (\$ _____) and interest at the rate of nine percent (9%) per annum on the unpaid balance until said principal is paid.

2. Said principal, together with interest as aforesaid, shall be paid by the owner to the district in _____ equal annual installments of _____ dollars (\$ _____) commencing on the _____ day of _____, 19____, which calendar date shall be the annual due date for subsequent installments, unless the anniversary date shall fall on a Saturday, Sunday or holiday, in which case the due date shall be the first working day thereafter. The owner shall have the right of prepayment of the principal, provided, that in the event of a prepayment in any installment year, the owner agrees to pay that current year's interest.

3. Sixty days after default in any of the aforementioned annual installments by the owner, the entire unpaid principal and interest shall become due, and said sum shall thereupon be considered a delinquent connection charge under Resolution 139 of Whatcom County Water District No. 8 or any amendments thereof, and the district shall thereupon assess applicable penalties and certify said delinquency to the county treasurer for lien foreclosure proceedings pursuant to the laws of the State of Washington.

4. The owner's obligations hereunder shall be binding on the owner's heirs, successors and assigns and shall be a covenant running with the land, the legal description of which is as follows:

5. The owner agrees to pay all costs for recording this agreement, all additional computation costs in the event of prepayment, and such attorney's fees and costs as the court may adjudge reasonable in the event of suit to collect the unpaid balance and/or foreclose the aforementioned lien.

DATED this _____ day of _____, 19____.

WHATCOM COUNTY WATER DISTRICT NO. 8

BY: C. R. O'Connor
Chairman

OWNER

OWNER

STATE OF WASHINGTON)
COUNTY OF WHATCOM)^{ss}

On this day personally appeared before me _____ and _____, the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that (he)(she)(they) signed the same as (his)(her)(their) free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this _____ day of _____, 19____.

NOTARY PUBLIC in and for the State
of Washington, residing at _____