

RESOLUTION NO. 4957

A RESOLUTION of the Birch Bay Water and Sewer District approving and confirming the final assessment roll for Utility Local Improvement District No. 8, which has been created and established for the purpose of paying the cost of certain water improvements along Semiahmoo Drive and Birch Point Road; and levying and assessing the amount thereof against the lots, tracts, parcels of land and other property shown on said roll.

WHEREAS, an assessment roll levying special assessments against the properties located in Utility Local Improvement District No. 8 ("ULID 8") in the Birch Bay Water and Sewer District (the "District"), created under Resolution No. 482, was filed with the Clerk of the Board of Commissioners of the District as provided by law; and

WHEREAS, notice of the time and place of a hearing on and of making objections to the assessment roll was duly published at and for the time and in the manner provided by law, fixing the time and place of hearing thereon for the 4th day of April, 1991, at the hour of 4:00 p.m. in the Board chambers in the District's offices, Blaine, Washington, and further notice thereof was duly mailed by the Clerk to each property owner on said roll; and

WHEREAS, at the time and place fixed and designated in said notice, the hearing on said assessment roll was duly held and the Board, sitting as a board of equalization, gave due consideration to all written and oral protests received and all persons appearing at said hearing;

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF BIRCH BAY WATER AND SEWER DISTRICT, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Board, sitting as a board of equalization and having made all revisions to the roll it deems necessary, hereby finds and determines that the final assessment roll for ULID 8 is just and equitable and that no assessment against property within ULID 8 is greater than the special benefits to be derived from the improvements. Accordingly, the final assessment roll, in the total amount of \$382,275.146, is hereby approved and confirmed, and the assessments set forth therein are hereby levied against each lot, tract and parcel of property described in the roll.

Section 2. The Clerk of the Board is hereby directed to place in the hands of the Treasurer of the District for collection the final assessment roll for ULID 8. Upon such placement, the amount of each assessment set forth in the roll, together with any interest or penalty imposed from time to time, shall become a lien against the property so assessed. The lien shall be paramount and superior to any other lien or encumbrance whatsoever, theretofore or thereafter created, except a lien for general taxes.

Section 3. Upon receipt of the final assessment roll for ULID 8, the Treasurer of the District is hereby directed to publish notice at the times and in the manner required by RCW 35.49.010, stating that the roll is in her hands for collection

and that such assessments or any portion thereof may be paid at any time within 30 days from the date of the first publication of such notice, without penalty, interest or costs.

Section 4. The amount of any assessment, or any portion thereof, against property in ULID 8 not paid within the 30 day period from the date of the first publication of the Treasurer's notice shall be payable in fifteen equal annual installments, together with interest on the diminishing principal balance thereof at a rate of 8.5% per annum. Interest shall commence on the 30th day following first publication of such notice. The first installment shall become due and payable one year from the expiration of the 30 day prepayment period. Annual installments, including interest and any penalty, shall be paid in full when due, and no partial payments shall be accepted by the Treasurer.

Section 5. Any installment not paid when due shall thereupon become delinquent. All delinquent installments shall be subject to a penalty equal to 12% per annum of the amount of the installment, including interest, from the date of the delinquency until paid.

Section 6. The lien of any assessment may be discharged at any time after the 30 day prepayment period by payment of the entire principal amount of the assessment remaining unpaid together with interest thereon to the due date of the next installment.

Section 7. If any one or more of the provisions of this resolution shall be declared by a court of competent jurisdiction to be contrary to law, then such provision shall be null and void and shall be deemed severable from the remaining provisions of this resolution and shall in no way affect the validity of the other provisions of this resolution.

Section 8. This resolution shall be in full force and effect immediately after its adoption.

ADOPTED by the Board of the Commissioners of Birch Bay Water and Sewer District at its regular meeting on the 18<sup>th</sup> day of April, 1991.

BIRCH BAY WATER AND SEWER DISTRICT

By Peter Lewis  
Commissioner

By Carl Reinhardt  
Commissioner

By Kirk Lischer  
Commissioner

ATTEST:

Shirley Kneass  
Clerk of the Board

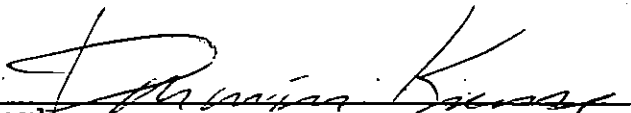
CERTIFICATE

I, the undersigned, Clerk of the Board of Commissioners of Birch Bay Water and Sewer District (herein called "District"), and keeper of the records of the Board of Commissioners of the District (the "Board"), DO HEREBY CERTIFY:

1. That the attached resolution is a true and correct copy of Resolution No. 495 of the Board (herein called the "Resolution"), as finally adopted at a regular meeting of the Board held on the 18th day of April, 1991, 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 of the Board was present throughout the meeting and a legally sufficient number of members of the Board voted in the proper manner for the adoption of said Resolution; that all other requirements and proceedings incident to the proper adoption or passage of said 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 18th of April, 1991.

  
Clerk

PRESTON  
THORGRIMSON  
SHIDLER  
GATES & ELLIS

ATTORNEYS AT LAW

5400 Columbia Center  
701 Fifth Avenue  
Seattle, WA 98104-7078

Telephone: (206) 623-7580  
Facsimile: (206) 623-7022

RECEIVED

MAR 21 1991

NANCY M. NERAAS

March 18, 1991  
WATER & SEWER DIST.

DATE RECEIVED

MAR 19 1991

Peter Visser  
Simonarson, Visser, Zender  
& Thurston  
1610 Grover Street  
P. O. Box 631  
Lynden, WA 98264

Re: Birch Bay Water and Sewer District ULID No. 8

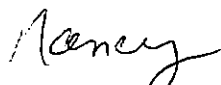
Dear Pete:

Enclosed is a revised draft of the resolution confirming the assessment roll for ULID No. 8. References made to "Treasurer of Whatcom County" have been changed to "Treasurer of the District." Please let me know if you have any further changes to the resolution.

Very truly yours,

PRESTON THORGRIMSON  
SHIDLER GATES & ELLIS

By

  
Nancy M. Neraas

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Enclosure  
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cc: Forrest W. Walls