

RESOLUTION NO. 534

A RESOLUTION of the Board of Commissioners of the Birch Bay Water and Sewer District, Whatcom County, Washington, declaring the intention of the Board to order the formation of a utility local improvement district for the construction and installation of sewer improvements within the boundaries of said proposed utility local improvement district; setting forth the nature and territorial extent of such proposed improvements; stating the estimated cost and expense of the improvements and the amount thereof proposed to be borne by the property within the proposed utility local improvement district; and fixing a date, time and place for a public hearing on the formation of the proposed utility local improvement district.

WHEREAS, the Board of Commissioners (the "Board") of the Birch Bay Water and Sewer District, Whatcom County, Washington (the "District"), has received requests from certain property owners within the District requesting the formation of a utility local improvement district to finance the construction and installation of certain sewer improvements along Holeman Avenue, as described herein; and

WHEREAS, the District now wishes to proceed with the undertaking of said improvements and to establish a utility local improvement district in connection therewith; and

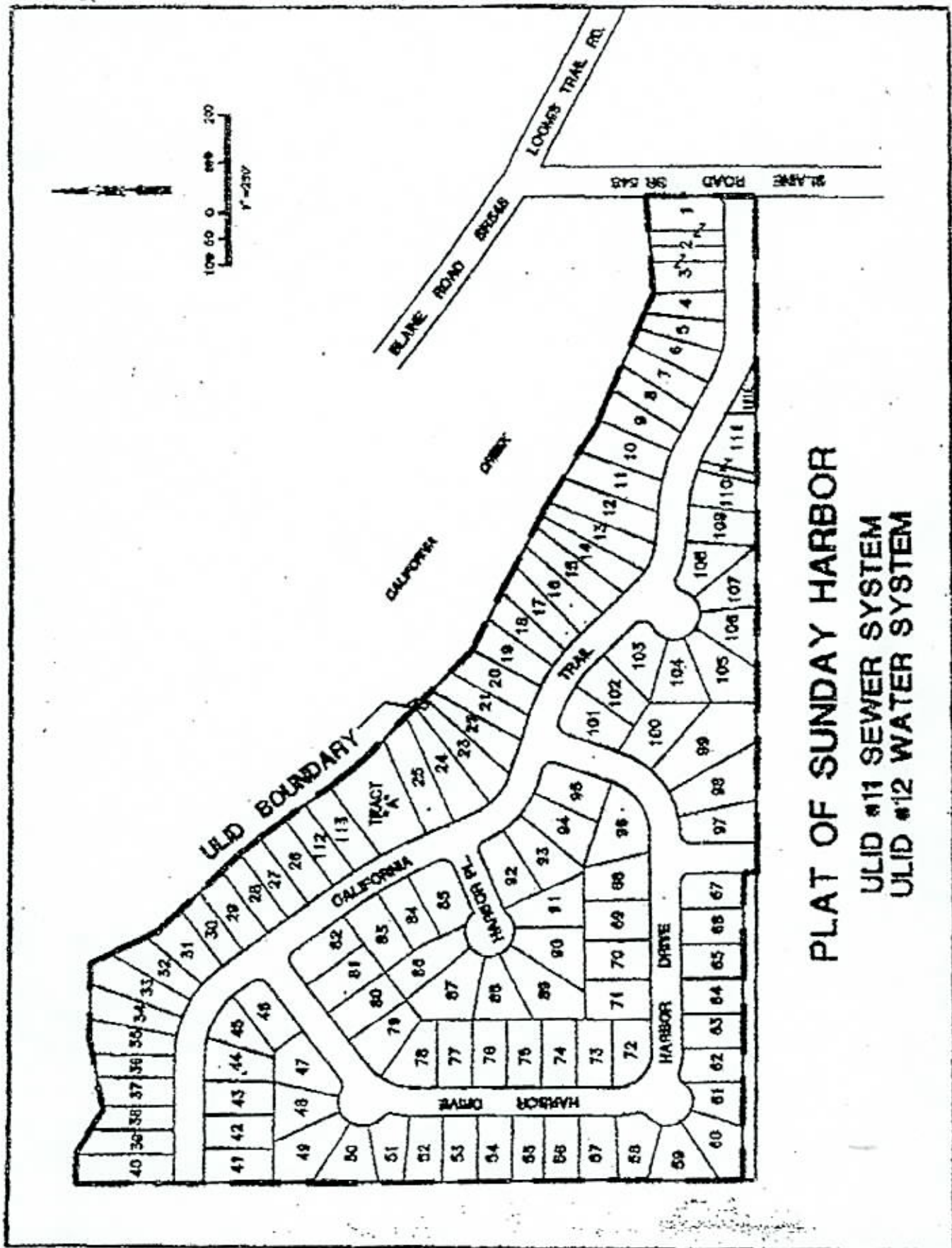
WHEREAS, RCW 56.20.020 provides for the initiation of an improvement district by the resolution method; and

WHEREAS, the Board finds that the sewer improvements will be of special benefit to the properties hereinafter described;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE BIRCH BAY WATER AND SEWER DISTRICT, WHATCOM COUNTY, WASHINGTON, as follows:

Section 1. It is the intention of the Board to order improvements which benefit the area shown and legally described on Exhibit A attached hereto and incorporated herein by this reference, by the acquisition, design, construction and installation of the following improvements:

EXHIBIT A



approximately 3,100 feet of eight-inch gravity sewer line along Holeman Avenue west of Priester Drive (the "Improvements").

Section 2. 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 of the District.

Section 3. 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.

Section 4. It is hereby further provided that the Improvements shall be subject to such changes as to details of said plan, not affecting the service to be provided, as shall be authorized by the Board either prior to or during the actual course of construction.

Section 5. It is the intention of the Board to order the formation of a utility local improvement district for the undertaking of the Improvements and including the area set forth on the attached Exhibit A. Said proposed utility local improvement district shall be designated "Utility Local Improvement District No. 15." The estimated cost and expense of the Improvements is \$590,714. All of the cost of the Improvements shall be assessed against the property specially benefited by such improvements, on the basis of the amount of the special benefits to such property. The assessments shall be for the sole purpose of payment into such revenue bond fund as may be specified by the Board for the payment of revenue bonds to be issued in part to defray the costs of the Improvements. Actual assessments may vary from the assessment estimates so long as they do not exceed a figure equal to the increased true and fair value that the Improvements add to the property.

Section 6. All persons who may desire to object to the Improvements and the formation of a utility local improvement district are hereby notified to appear and present such objections at the meeting of the Board to be held at the District office, 7096 Point Whitehorn Road, Birch Bay, Washington, at 6:00 p.m. on Thursday, December 16, 1993, which time and place are hereby

fixed for hearing all matters relating to the proposed Improvements and all objections thereto and for determining the method of payment of the Improvements. The Secretary of the Board is hereby directed to:

A. arrange for publication of notice of said hearing (in the form attached as Exhibit B hereto) in two consecutive issues of a newspaper of general circulation in the proposed utility local improvement district, with the date of the first publication to be at least 15 days prior to the date of said hearing;

B. arrange for mailing a notice of such hearing (in the form attached as Exhibit C hereto) setting forth the nature of the proposed Improvements, the total estimated cost, the estimated benefits of the Improvements to the particular lot, tract or parcel of land, and the time and date of said hearing, at least 15 days before the date thereof, to each owner or reputed owner of any lot, tract, parcel of land, or other property specially benefited by said Improvements, at the address shown on the tax rolls of the Whatcom County Treasurer; and

C. maintain a list of reputed property owners within the utility local improvement district on file at the offices of the District and available for public perusal.

ADOPTED at a regular meeting of the Board of Commissioners of the Birch Bay Water and Sewer District, Whatcom County, Washington, held on the 4th day of November, 1993.

BIRCH BAY WATER AND SEWER
DISTRICT, WHATCOM COUNTY,
WASHINGTON


Commissioner


Commissioner


Commissioner

ATTEST:


Secretary of the Board

ULID 15
HOLEMAN AVENUE SEWER
Legal Description

All that portion of Section 2, Township 39N, Range 1 W., W.M.; described as follows:

Beginning at the Southwest corner of Lot 5, Plat of Pemberton Whitehorn as recorded in Volume 9 of Plats, Page 35 Records of Whatcom County, WA; Thence Northwesterly along the West line of said Lot 5 and West line of Lots 1-4 to the Northwest corner of Lot 1;

Thence Easterly along said West margin to the North line of the Beach Reserve as dedicated in said Plat of Pemberton Whitehorn;

Thence Westerly along said North line to the Westerly and Northerly line of the Whitehorn Short Plat as recorded in Book 7 of Short Plats at Page 27, Records of Whatcom County;

Thence Northerly and Easterly along said Westerly and Northerly line to the Northwest corner of Lot 34, Plat of See Haven as recorded in Volume 8 of Plats, Page 68 Records of Whatcom County;

Thence Easterly along the North line of said Lot 34 and the North line of Lots 16-33 of said Plat of See Haven to the Northeast corner of Lot 16;

Thence Southerly along the East line of said Lot 16 to the North margin of Holeman Avenue;

Thence Easterly along said North margin to the West line of Lot 15, said Plat of See Haven;

Thence Northerly along said West line to the North line of Lots 9-15, 10-foot beach access and Lots 6-8 of said Plat of See Haven;

Thence Easterly along said North line to the East line of said Lot 6;

Thence Southerly along said East line and its Southerly extension to the South margin of Holeman Avenue;

Thence Easterly along said South margin to the East line of Lot 46, said Plat of See Haven;

Thence Southerly along said East line to the South line of the Plat of See Haven;

Thence Westerly along said South line to East line of the lot line adjustment to Lot 45 of said Plat of See Haven as recorded under Auditor's File No. 900806108;

Thence Southerly along said East line to the South line thereof;

Thence Westerly along said South line to the West line thereof;

Thence Northerly along said West line to the South line of the Plat of See Haven;

Thence Westerly along said South line to the Westerly margin of Celia Drive;

Thence Southerly along the Southerly prolongation of said Westerly margin to a line parallel with and 150 feet Southerly and Easterly of the Southerly and Easterly margin of Holeman Avenue;

Thence Westerly along said parallel line to the Northerly prolongation of the East line of said Plat of Pemberton Whitehorn;

Thence Southerly along said prolongation and the East line to the South line thereof;

Thence Westerly along said South line to the Point of Beginning.

EXHIBIT B

[Form of published notice]

NOTICE OF ADOPTION OF RESOLUTION OF INTENTION TO CREATE AND NOTICE OF HEARING ON CREATION OF UTILITY LOCAL IMPROVEMENT DISTRICT NO. 15

YOU ARE NOTIFIED that on November 4, 1993, the Board of Commissioners of the Birch Bay Water and Sewer District, Whatcom County, Washington, adopted Resolution No. 534 declaring its intention to create Utility Local Improvement District No. 15 ("ULID 15") and to order the construction of certain improvements to the sewer system of the District within said ULID 15. The boundaries of the proposed ULID are as set forth in that resolution.

The proposed improvements consist of the acquisition, design, construction and installation of the following improvements: approximately 3,100 feet of eight-inch gravity sewer lines along Holeman Avenue west of Priester Drive.

The estimated cost of these improvements, and other expenses in connection with the improvements, is \$590,714, of which 100% shall be paid by special assessments levied against the property within the proposed ULID 15 specially benefited by the proposed improvements. The assessments levied in ULID 15 shall be for the sole purpose of payment into such revenue bond fund as may be specified by the Board of Commissioners for the payment of revenue bonds to be issued to defray the costs of the above improvements. Actual assessments may vary from the assessment estimates so long as they do not exceed a figure equal to the increased true and fair value that the improvements add to the property.

You are notified that a meeting of the Board of Commissioners will be held at the District office, 7096 Point Whitehorn Road, Birch Bay, Washington, at 6:00 p.m. on Thursday, December 16, 1993, which time and place are fixed for hearing of matters relating to such formation and improvements and for determining the method of payment thereof. Persons desiring to object to the improvements and the formation of the proposed ULID 15 may appear at the hearing to state their views.

1. All persons desiring to object to the formation of the proposed utility local improvement district must file their written protests with the Secretary of the Board no later than ten days following the public hearing.

2. If the owners of at least 40% of the area of land within the proposed utility local improvement district file written protests with the Secretary of the Board, the power of the Commissioners of the Board to proceed with the creation of the proposed utility local improvement district shall be divested.

3. The name of the Secretary of the Board is Peter Lewis. The address of the Secretary of the Board is 7096 Point Whitehorn Road, Birch Bay, Washington 98230-9675.

4. The names of the property owners within the proposed ULID 15 are kept available for public perusal at the District's office from 8:00 a.m. to 4:30 p.m., Monday through Friday.

1s/ Peter Lewis

Secretary of the Board of Directors,
Birch Bay Water and Sewer District,
Whatcom County, Washington

EXHIBIT C
[Form of mailed notice]

NOTICE OF ADOPTION OF RESOLUTION OF INTENTION
TO CREATE AND NOTICE OF HEARING ON CREATION OF
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3. The name of the Secretary of the Board is Peter Lewis. The address of the Secretary of the Board is 7096 Point Whitehorn Road, Birch Bay, Washington 98230-9675.

4. The names of the property owners within the proposed utility local improvement district are kept available for public perusal at the District's office from 8:00 a.m. to 4:30 p.m. Monday through Friday.

The estimated amount of the cost and expense of such improvements to be borne by and assessed against the described lot, tract or parcel of land of which you are the owner or reputed owner as shown on the tax rolls of the Whatcom County Treasurer is as stated below.

151 Peter Lewis

Secretary of the Board of Directors,
Birch Bay Water and Sewer District,
Whatcom County, Washington

Name of Owner:

Legal Description of Property:

Estimated Amount of Assessment
Against the Foregoing Property:

SECRETARY'S CERTIFICATE

I, the undersigned, the duly chosen, qualified and acting Secretary of the Board of Directors (the "Board") of the Birch Bay Water and Sewer District, Whatcom County, Washington (the "District"), and keeper of the records of the Board, DO HEREBY CERTIFY:

1. That the attached is a true and correct copy of Resolution No. 534 (the "Resolution") of the Board as finally adopted at a regular meeting of the Board of Commissioners held on the 4th day of November, 1993, 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 4th day of November, 1993.

A handwritten signature in blue ink, reading "Peter Lewis", is written over a horizontal line.

Secretary of the Board of Directors