

RESOLUTION NO. 537

A RESOLUTION of the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington, ordering certain local improvements and creating a utility local improvement district; providing for the payment of the cost of such improvements by special assessments; and authorizing payment of such assessments into the revenue bond fund of the District.

WHEREAS, on November 4, 1993, the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington (the "District") adopted Resolution No. 534 declaring its intention to order certain local improvements within the District and to create a utility local improvement district; and

WHEREAS, a hearing was held on December 16, 1993, after notice as provided by law, and after discussion of the proposed improvements and due consideration thereof and of all objections thereto, the Board has determined to order the local improvements described below and to create a utility local improvement district; and

WHEREAS, estimates of the costs and expenses of the proposed improvements, a description of the boundaries of the district, a statement of what portion of the costs and expenses of the improvements would be borne by the property within the proposed district, a statement in detail of the local improvement assessments outstanding and unpaid against property in the proposed district and a diagram showing the lots, tracts and parcels to be benefitted and other information pertaining to the proposed district, have been filed with the Clerk and certified to the Board;

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 District shall acquire, construct and install a part of the sewer comprehensive plan consisting of the following improvements within the following described area of the District: approximately 3,100 feet of eight-inch gravity sewer line along Holeman Avenue, west of Priester Drive (the "Improvements"). 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.

Section 2. The plans and specifications for the Improvements, as prepared by the District Engineer, and now on file in the District's office, are hereby adopted and approved. 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. The Improvements, when completed, shall be in accordance with said plans, the provisions of this resolution and any other resolutions as may hereafter be adopted in connection herewith; provided, however, that the Improvements are subject to such changes in detail that do not significantly alter the scope or costs of the Improvements as shall be authorized by the Board either prior to or during the actual course of construction.

Section 3. There is hereby established a utility local

improvement district to be known as "Utility Local Improvement District No. 15 (herein referred to as "ULID No. 15"). The boundaries of ULID No. 15 shall be as described in Exhibit A attached hereto and incorporated herein by this reference.

It is hereby found that the above-described boundaries embrace as nearly as practicable all the property specially benefitted by the Improvements.

Section 4. The total cost and expense of the Improvements and all work necessary in connection therewith and incidental thereto is estimated to be \$590,714 of which 100% shall be borne by and assessed against the property within ULID No. 15 specially benefitted by the Improvements.

Section 5. Upon completion of the Improvements, an assessment roll shall be prepared and, after notice and hearing in the manner provided by law, an assessment roll shall be confirmed. Assessments not paid within the 30-day prepayment period provided by law shall be payable in installments and the District shall issue revenue bonds payable from such unpaid installments. The number of years said installments shall run, the dates of payment of the same and the rate of interest that the unpaid installments shall bear shall be as hereafter fixed by resolution. Such assessments shall be paid into such revenue bond fund as may be specified by the Board for the payment of the revenue bonds hereafter to be issued to defray the cost of the Improvements to be constructed in ULID No. 15.

ADOPTED at a regular meeting of the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington,

held on the 13th day of January, 1994.

Peter Lewis
Dan Montford
Carl Hunkeler

ATTEST:

Dan Montford
Secretary of the Board


SECRETARY'S CERTIFICATE

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

1. That the attached is a true and correct copy of Resolution No. 537 (herein called the "Resolution") of the Board as finally adopted at a regular meeting of the board held on the 13th day of January, 1994, 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 13th day of January, 1994.


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.