

RESOLUTION NO. 563

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF BIRCH BAY WATER AND SEWER DISTRICT, WHATCOM COUNTY, WASHINGTON AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF LAND AND PROPERTY RIGHTS IN DOUBLE R RANCH AND FROM DOUBLE R RANCH TO BIRCH BAY DRIVE; PROVIDING FOR CONDEMNATION, APPROPRIATION, TAKING AND DAMAGING OF LAND AND PROPERTY RIGHTS NECESSARY THEREFOR, PROVIDING FOR THE COST THEREOF AND DIRECTING THE INITIATION OF APPROPRIATE PROCEEDINGS IN THE MANNER PROVIDED BY LAW FOR SAID CONDEMNATION.

WHEREAS, the Board of Commissioners of Birch Bay Water and Sewer District desires to improve Double R Ranch by providing water and sewer lines within Double R Ranch and from Double R Ranch to Birch Bay Drive; and

WHEREAS, the Board of Commissioners of Birch Bay Water and Sewer District finds that the public health, safety, necessity and convenience demand that said project be undertaken and that in order to carry out the project it is necessary at this time for the District to acquire interests and rights to the property described herein; and

WHEREAS, the Board of Commissioners of Birch Bay Water and Sewer District finds and declares it necessary and in the best interest of the public that interests in the land and property rights hereinafter described be condemned, appropriated, taken and damaged for public use, subject to the making or paying of just compensation to the owners thereof in the manner provided by law.

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

Section 1: Public necessity and convenience dictate that the lands and property rights within the Birch Bay Water and Sewer District, Whatcom County, Washington, described in that certain document attached as EXHIBIT A hereto, which descriptions are hereby incorporated by reference, are necessary for water and sewer line purposes and be condemned, appropriated, taken and damaged for such public purposes, subject to the making or paying of just compensation to the owners thereof in the manner provided by law.

Section 2. The cost and expense of acquiring said property rights shall be paid from the Capitol Fund or from other monies the District may have available or obtain therefor.

Section 3. The District Attorney or another attorney selected by him is hereby authorized and directed to undertake proceedings provided by law to condemn, appropriate, take and damage the land and property necessary to carry out the provisions of this ordinance.

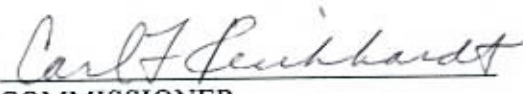
Section 4: BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.

Section 5: 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 hereby declares 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 6: This Resolution shall be in full force and effect on September ____, 1995.

PASSED by the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington, at a regular meeting held the 14th day of September, 1995.


COMMISSIONER


COMMISSIONER


COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 563 of Birch Bay Water and Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on September 14th, 1995.


SECRETARY

EXHIBIT A

A strip of land 10 feet wide being 5 feet on either side of a center-line being more particularly described as follows:

BEGINNING at the Southwest corner of the South half of the North half of the Southeast quarter of Section 30, Township 40 North, Range 1 East of the Willamette Meridian; thence North $02^{\circ}00'53''$ East along the West line of said South half, 55.00 feet to the TRUE POINT OF BEGINNING of this center-line description; thence South $87^{\circ}34'56''$ East, 1324.27 feet to a point being 45.00 feet North of the South line of said South half; thence South $87^{\circ}47'37''$ East, 1294.24 feet to a point of intersection with the West right-of-way of State Highway No. 548 (Blaine Road), said point being 40.00 feet North of the South line of said South half and also being the TERMINUS of this centerline description.

Said 10 foot strip of land extending to the exterior lines of said South half.

Situate in Whatcom County, Washington.

TOGETHER WITH temporary construction easements described as follows:

A strip of land 40 feet wide being 20 feet on either side of a center-line being more particularly described as follows:

BEGINNING at the Southwest corner of the South half of the North half of the Southeast quarter of Section 30, Township 40 North, Range 1 East of the Willamette Meridian; thence North $02^{\circ}00'53''$ East along the West line of said South half, 55.00 feet to the TRUE POINT OF BEGINNING of this center-line description; thence South $87^{\circ}34'56''$ East, 1324.27 feet to a point being 45.00 feet North of the South line of said South half; thence South $87^{\circ}47'37''$ East, 1294.24 feet to a point of intersection with the West right-of-way of State Highway No. 548 (Blaine Road), said point being 40.00 feet North of the South line of said South half and also being the TERMINUS of this centerline description.

Said 40 foot strip of land extending to the exterior lines of said South half.

Situate in Whatcom County, Washington.

Morgan Company

A strip of land 10 feet wide being 5 feet on either side of a center-line being more particularly described as follows:

BEGINNING at the Southeast corner of Parcel 5, "The Beachcomber Resort at Birch Bay" Specific Binding Site Plan as per the map thereof, recorded in Volume 2 of Binding Site Plans, Page 52, in the Auditor's office of Whatcom County, Washington; thence North $87^{\circ}11'57''$ West along the South line of said Parcel 5, 255.76 feet to the TRUE POINT OF BEGINNING of this center-line description; thence South $56^{\circ}49'01''$ East, 280.71 feet to a point; thence South $87^{\circ}34'56''$ East, 15.55 feet to a point of intersection with the North-South centerline of Section 30, Township 40 North, Range 1 East of the Willamette Meridian, as shown on said Beachcomber Resort Binding Site Plan, said point being the TERMINUS of this centerline description.

Said 10 foot strip of land extending Northwesterly to the South line of said Parcel 5 and Easterly to said North-South centerline of Section 30.

Situate in Whatcom County, Washington.

TOGETHER WITH temporary construction easements described as follows:

A strip of land 40 feet wide being 20 feet on either side of a center-line being more particularly described as follows:

BEGINNING at the Southeast corner of Parcel 5, "The Beachcomber Resort at Birch Bay" Specific Binding Site Plan as per the map thereof, recorded in Volume 2 of Binding Site Plans, Page 52, in the Auditor's office of Whatcom County, Washington; thence North $87^{\circ}11'57''$ West along the South line of said Parcel 5, 255.76 feet to the TRUE POINT OF BEGINNING of this center-line description; thence South $56^{\circ}49'01''$ East, 280.71 feet to a point; thence South $87^{\circ}34'56''$ East, 15.55 feet to a point of intersection with the North-South centerline of Section 30, Township 40 North, Range 1 East of the Willamette Meridian, as shown on said Beachcomber Resort Binding Site Plan, said point being the TERMINUS of this centerline description.

Said 40 foot strip of land extending Northwesterly to the South line of said Parcel 5 and Easterly to said North-South centerline of Section 30.

Situate in Whatcom County, Washington.

Jacob's Landing

The West 1214.91 feet of the South 15.00 feet of Lot 2, Snow Short Plat as per the map thereof, recorded in Volume 19 of Short Plats, Page 19 in the Auditor's office of Whatcom County, Washington.

Situate in Whatcom County, Washington.

TOGETHER WITH temporary construction easements described as follows:

The West 1251.81 feet of the South 30.00 feet of Lot 2 LESS the West 1214.91 feet of the South 15 feet thereof, Snow Short Plat as per the map thereof, recorded in Volume 19 of Short Plats, Page 19 in the Auditor's office of Whatcom County, Washington.

Situate in Whatcom County, Washington.

Snow

A strip of land 10 feet wide being 5 feet on either side of a center-line being more particularly described as follows:

BEGINNING at the Northwest corner of Lot 82, Double R Ranch within Section 29, Township 40 North, Range 1 East of the Willamette Meridian as recorded in Volume 9 of Plats, Page 87, Records of Whatcom County, Washington, thence South 25° 19'39" East, 121.96 feet along the Westerly line of said Lot 82 to the TRUE POINT OF BEGINNING of this center-line description; thence North 70° 28'57" East, 265.34 feet to a point of intersection with the East line of said Lot 82, said point being the TERMINUS of this centerline description.

Said 10 foot strip of land extending to the exterior lines of said Lot 82.

Situate in Whatcom County, Washington.

TOGETHER WITH temporary construction easements described as follows:

A strip of land 30 feet wide being 15 feet on either side of a center-line being more particularly described as follows:

BEGINNING at the Northwest corner of Lot 82, Double R Ranch within Section 29, Township 40 North, Range 1 East of the Willamette Meridian as recorded in Volume 9 of Plats, Page 87, Records of Whatcom County, Washington, thence South 25° 19'39" East, 121.96 feet along the Westerly line of said Lot 82 to the TRUE POINT OF BEGINNING of this center-line description; thence North 70° 28'57" East, 265.34 feet to a point of intersection with the East line of said Lot 82, said point being the TERMINUS of this centerline description.

Said 30 foot strip of land extending to the exterior lines of said Lot 82.

Situate in Whatcom County, Washington.

So

A strip of land 10 feet wide being 5 feet on either side of a center-line being more particularly described as follows:

BEGINNING at the Southwest corner of Lot 84, Double R Ranch within Section 29, Township 40 North, Range 1 East of the Willamette Meridian as recorded in Volume 9 of Plats, Page 87, Records of Whatcom County, Washington, thence North 00° 02'11" East, 90.61 feet along the Westerly line of said Lot 84 to the TRUE POINT OF BEGINNING of this center-line description; thence South 88° 26'16" East, 150.05 feet to a point of intersection with the East line of said Lot 84, said point being the TERMINUS of this centerline description.

Said 10 foot strip of land extending to the exterior lines of said Lot 84.

Situate in Whatcom County, Washington.

TOGETHER WITH temporary construction easements described as follows:

A strip of land 30 feet wide being 15 feet on either side of a center-line being more particularly described as follows:

BEGINNING at the Southwest corner of Lot 84, Double R Ranch within Section 29, Township 40 North, Range 1 East of the Willamette Meridian as recorded in Volume 9 of Plats, Page 87, Records of Whatcom County, Washington, thence North 00° 02'11" East, 90.61 feet along the Westerly line of said Lot 84 to the TRUE POINT OF BEGINNING of this center-line description; thence South 88° 26'16" East, 150.05 feet to a point of intersection with the East line of said Lot 84, said point being the TERMINUS of this centerline description.

Said 30 foot strip of land extending to the exterior lines of said Lot 84.

Situate in Whatcom County, Washington

Miller/Fraser

The East 10 feet of Lot 79, Double R Ranch within Section 29, Township 40 North, Range 1 East of the Willamette Meridian as recorded in Volume 9 of Plats, Page 87, Records of Whatcom County, Washington.

Situate in Whatcom County, Washington.

TOGETHER WITH temporary construction easements described as follows:

The West 25 feet of the East 35 feet of Lot 79, Double R Ranch within Section 29, Township 40 North, Range 1 East of the Willamette Meridian as recorded in Volume 9 of Plats, Page 87, Records of Whatcom County, Washington.

Situate in Whatcom County, Washington.

Kovalick

A strip of land 10 feet wide being 5 feet on either side of a center-line being more particularly described as follows:

BEGINNING at the Northeast corner of Lot 81, Double R Ranch within Section 29, Township 40 North, Range 1 East of the Willamette Meridian as recorded in Volume 9 of Plats, Page 87, Records of Whatcom County, Washington, thence South 25° 19'39" East, 121.96 feet along the Easterly line of said Lot 81, to the TRUE POINT OF BEGINNING of this center-line description; thence South 70° 28'57" West along said centerline to a point; thence North 81° 33'16" West, 198.07 feet to a point of intersection with the North line of said Lot 81, said point being the TERMINUS of this centerline description.

Said 10 foot strip of land extending to the exterior lines of said lot 81.

Situate in Whatcom County, Washington

TOGETHER WITH temporary construction easements described as follows:

A strip of land 30 feet wide being 15 feet on either side of a center-line being more particularly described as follows:

BEGINNING at the Northeast corner of Lot 81, Double R Ranch within Section 29, Township 40 North, Range 1 East of the Willamette Meridian as recorded in Volume 9 of Plats, Page 87, Records of Whatcom County, Washington, thence South 25° 19'39" East, 121.96 feet along the Easterly line of said Lot 81, to the TRUE POINT OF BEGINNING of this center-line description; thence South 70° 28'57" West along said centerline to a point; thence North 81° 33'16" West, 198.07 feet to a point of intersection with the North line of said Lot 81, said point being the TERMINUS of this centerline description.

Said 30 foot strip of land extending to the exterior lines of said Lot 81.

AND the North 15 feet of said Lot 81, lying westerly of the aforementioned easement legal description.

Situate in Whatcom County, Washington.

Sunter

The East 20 feet of the West 50 feet of the South half of the Northwest quarter of the Northwest quarter of the Southwest quarter of Section 29, Township 40 North, Range 1 East of the Willamette Meridian.

Situate in Whatcom County, Washington.

TOGETHER WITH temporary construction easements described as follows:

The East 15 feet of the West 65 feet of the South half of the Northwest quarter of the Northwest quarter of the Southwest quarter of Section 29, Township 40 North, Range 1 East of the Willamette Meridian.

Situate in Whatcom County, Washington.

Robertson