

RESOLUTION NO. 589

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER AND SEWER DISTRICT,
WHATCOM COUNTY, WASHINGTON,
SETTING COMMENCEMENT DATE FOR
DELINQUENT ULID PAYMENT FORECLOSURE PROCEEDINGS

WHEREAS, pursuant to RCW 35.50.030, on the first day of January in any year, if two installments of any local improvement assessment are delinquent, or if the final installment thereof has been delinquent for more than one year, the municipality shall proceed with foreclosure of the delinquent assessment; and

WHEREAS, pursuant to RCW 35.40.030, foreclosure proceedings shall be commenced on or before March 1st of that year or on or before such other date fixed by general resolution; and

WHEREAS, the Commissioners of the Birch Bay Water & Sewer District wish to fix the date by which foreclosure proceedings must be commenced as May 1st, rather than March 1st;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington as follows:

Section 1: There is added to Chapter 5.04 of the Birch Bay Water and Sewer District Code a new section to read as follows:

5.04.020 Commencement of Foreclosure Proceedings. If on the first day of January in any year, two installments of any local improvement assessment are delinquent, or if the final installment thereof has been delinquent for more than one year, the District shall proceed with the foreclosure of the delinquent assessment or delinquent installments thereof by proceedings brought in its own name in the Whatcom County Superior Court.

The proceedings shall be commenced on or before May 1st of that year, but not before the District has sent notice by certified mail as required in RCW 35.50.030.

Section 2: BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.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 3: 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 Council 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 4: This Resolution shall be effective immediately.

PASSED by the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington, at a regular meeting held the 4th day of March, 1998.


COMMISSIONER


COMMISSIONER


COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 589 of Birch Bay Water and Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on March 4, 1998.


SECRETARY