

RESOLUTION NO. 664

A RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF BIRCH BAY WATER & SEWER DISTRICT, WHATCOM COUNTY,  
WASHINGTON, ACCEPTING THE BENEFIT AREA OF  
LINCOLN GREEN TRACT C

WHEREAS, the Birch Bay Water and Sewer District ("District") and Mark and Lisa A. Groeneweg and Joey G. and Deanna M. De Boer, together referred to as "Developer/Owner", entered into a Developer Extension Agreement, in accordance with which the Developer/Owner completed installation of water extension facilities to a development known as "Lincoln Green Tract C"; and

WHEREAS, portions of the water extension facilities installed by Developer/Owner benefit real property other than Lincoln Green Tract C; and

WHEREAS, Developer/Owner is entitled to reimbursement from benefited real property owners seeking connection to such water extension facilities, for the cost of such facilities in excess of Developer/Owner's fair pro rata share therefore; and

WHEREAS, the District and Developer/Owner may enter into a Reimbursement Agreement ("Agreement", attached hereto as Exhibit 1); and

WHEREAS, the Agreement shall consist herewith set forth the reimbursement amount which Developer/Owner is entitled to upon connection to the water extension facilities by the benefited property depicted in Exhibit C of the Agreement ("Benefited Property"), and

WHEREAS, the foregoing recitals are a material part of this Resolution;

NOW, THEREFORE, be it resolved by the Board of Commissioners ("Board") of Birch Bay Water and Sewer District, Whatcom County, Washington as follows:

Section 1: The District General Manager is hereby authorized to enter into an Agreement on behalf of the District with Developer/Owner substantially as set forth in Exhibit 1. The Benefited Property shall be as shown on Exhibit C of Exhibit 1. Upon connection to the District water extension facilities, the owners of the Benefited Property shall be required to pay the following charges:

<u>Tax Parcel No.</u>	<u>Water Facility</u>
400118185033	\$17,179.89

Section 2: The District shall collect the above-listed charges from the owners of the Benefited Property pursuant to the signed Agreement. Such charges are the sole source of funds from which reimbursement to the Developer/Owner can and will be made by the District, only as and when the same are collected.

Section 3: The District's right to collect reimbursement charges and the Developer/Owner's right to receive reimbursement shall terminate upon expiration of the Agreement, which shall be fifteen (15) years after the date of final acceptance of title to the extension facilities by the District.

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 of Commissioners hereby declare 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 effective immediately.

ADOPTED BY THE Board of Commissioners of Birch Bay Water & Sewer District, Whatcom County, Washington, at a regular meeting held the 22nd day of March, 2007.

  
COMMISSIONER

  
COMMISSIONER

  
COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 664 of Birch Bay Water & Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on March 22, 2007.

  
SECRETARY