

RESOLUTION NO. 720

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER & SEWER DISTRICT, WHATCOM COUNTY,
WASHINGTON, FOR FINAL ACCEPTANCE OF
THE BENEFIT AREA OF BAY ROAD 3 LOTS

WHEREAS, the Birch Bay Water and Sewer District (“District”) and Lee Ann Richardson, Doug and Leanne Dean, Rob and Donna Messam herein referred to as “Developer/Owner”, respectively, entered into a Developer Extension Agreement, in accordance with which the Developer completed installation of water and sewer extension facilities to a project known as “Bay Road 3 Lots Water and Sewer Extension” (hereinafter “Project”); and

WHEREAS, portions of the water and sewer extension facilities installed by Developer appear to benefit real property in addition to the Project property; and

WHEREAS, on the 27th day of September, 2012, the Board held a public hearing (“Public Hearing”) regarding the Bay Road 3 Lots benefit area; and

WHEREAS, following the Public Hearing, the Board found that the Developer is entitled to reimbursement from benefited real property owners seeking connection to such water and sewer extension facilities, for the cost of such facilities in excess of Developer’s fair pro rata share therefor; and

WHEREAS, the District shall enter into the Reimbursement Agreement (“Agreement”, attached hereto at Exhibit 1) which sets forth the reimbursement amount to which Developer is entitled upon connection to the water and sewer 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 property shown on Exhibit C of Exhibit 1 hereto is hereby determined to be benefited by the Project. It is further determined that the owners of the Benefited Property, upon connection to the District water and sewer extension facilities, should be required to pay the following charges:

<u>Tax Parcel No.</u>	<u>Water Facility</u>	<u>Sewer Facility</u>
405136 489012 0000	\$10,857.02	\$21,096.76

The District General Manager is authorized by the Board to enter into an Agreement on behalf of the District with Developer, substantially as set forth in Exhibit 1 hereto.

Section 2: Upon entering said Agreement with Developer, it is anticipated that the District shall collect the above-listed charges from the owners of the Benefited Property and that such charges will be the sole source of funds from which reimbursement to the Developer can and will be made by the District, only as and when the same are collected.

Section 3: Upon entering said Agreement with Developer, the District's right to collect reimbursement charges and the Developer'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 11th day of October, 2012.

COMMISSIONER



COMMISSIONER



COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 720 of Birch Bay Water & Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on October 11, 2012.



SECRETARY