

RESOLUTION NO. 783

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER & SEWER DISTRICT, WHATCOM COUNTY,
WASHINGTON, FOR FINAL ACCEPTANCE OF THE BENEFIT AREA AND
AUTHORIZATION OF THE
WHISPER LAKE REIMBURSEMENT AGREEMENT

WHEREAS, the Birch Bay Water and Sewer District (“District”) and Whisper Lake Developments, Inc., (“Developer”), entered into Developer Extension Agreements, in accordance with which the Developer completed installation of sewer and water extension facilities known as “Whisper Lake Water and Sewer Extension;” and

WHEREAS, portions of the Whisper Lake Water and Sewer Extension installed by the Developer benefit real property other than that owned by Developer; and

WHEREAS, the Board of Commissioners of the Birch Bay Water & Sewer District (“Board”) adopted Resolution No. 775 to preliminarily accept the benefit area for the Whisper Lake Water and Sewer Extension and a proposed Whisper Lake Reimbursement Agreement (“Agreement”) between the District and the Developer; and

WHEREAS, the recitals set forth in Resolution No. 775 are incorporated herein; and

WHEREAS, pursuant to District Code 9.12.030(A), the District mailed notice of the amount of the preliminary reimbursement liability against each property to all property owners of record within the benefit area and to the Developer, and advised them of their right to request a public hearing before the Board regarding said preliminary reimbursement liability; and

WHEREAS, the District received no timely written request for a hearing pertaining to the notice of preliminary reimbursement liability from the Developer or any property owner within the twenty (20) day time period for making such requests as set forth in District Code 9.12.030(B); and

WHEREAS, pursuant to District Code 9.12.030(A), no timely request for said hearing having been received, the preliminary benefit reimbursement area and the preliminary reimbursement liability for each property therein as set forth in Resolution No. 775 is now final; and

WHEREAS, the property described and depicted on Exhibit C of Exhibit 1 set forth in Resolution 775 is hereby determined to be benefitted by the Whisper Lake Development Water and Sewer Extension project (the “Benefitted 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: