

RESOLUTION NO. 97

A RESOLUTION of the Board of Commissioners of Whatcom County Water District No. 8, Whatcom County, Washington, creating Utility Local Improvement District No. 4 of the district and establishing the boundaries thereof, ordering the acquisition, construction and installation of certain improvements therein, adopting detailed plans therefor, and declaring the estimated cost thereof.

WHEREAS, on December 5, 1974, the Board of Commissioners (hereinafter called the "Board") of Whatcom County Water District No. 8 (hereinafter called the "District") adopted its Resolution No. 94, wherein the Board declared its intention to create a utility local improvement district of the District and improve the area within the proposed boundaries of said utility local improvement district by the acquisition, construction and installation of sewer system facilities with all connections and appurtenances necessary to the use and operation thereof, all as provided in the Comprehensive Plan for the District as applicable to the area within such boundaries; and

WHEREAS, notice of the hearing on said Resolution No. 94 was given by publication and mailing as provided by law and as provided in said notice said hearing was held at 7:30 o'clock P.M. on the 9th day of January, 1975, at the Grange Hall, Birch Bay, Whatcom County, Washington, at which time, date and place the Board heard objections from all persons affected by the formation of said utility local improvement district.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Whatcom County Water District No. 8, Whatcom County, Washington, as follows:

Section 1. After due consideration of all the oral and written objections and protests made and filed against the creation

of a utility local improvement district of the District as described in Resolution No. 94 of the Board and the ordering of the construction and installation of the improvements provided in the Comprehensive Plan of the District for the area in such utility local improvement district, and as set forth in said Resolution No. 94, it is hereby found and ordered:

A. That all said objections and protests to the formation of such utility local improvement district should be and they are hereby denied.

B. That Utility Local Improvement District No. 4 of the District is hereby created as of the date of adoption of this resolution and the boundaries thereof shall be and are hereby fixed as set forth in Exhibit A, attached hereto and incorporated by reference herein.

Section 2. The District shall, in accordance with its Comprehensive Plan, acquire, construct and install sewer lines, a pumping station and laterals as described in Exhibit B attached hereto and incorporated by reference herein.

Implementation of the aforesaid plan shall be subject to compliance by the district with all applicable state laws including the State Environmental Protection Act. The district shall not proceed with such plans unless such environmental impact statements as are necessary or required by law shall first be prepared and considered.

Such improvements shall be installed complete with all manholes, stub sewers, and other auxiliary equipment and appurtenances necessary to the proper operation of the sewer system of the district.

The district shall acquire by gift, purchase, franchise, lease or condemnation all property, both real and personal, or any interest therein and all rights of way, franchises, permits and easements which may be found necessary to acquire, construct and install the above-described improvements.

It is hereby further provided that the hereinbefore authorized plans of improvement shall be subject to such changes as to details of pipe size and location or any other detail of said plans not affecting the service to be provided by the main general plan as shall be authorized by the Board of Commissioners either prior to or during the actual course of construction.

Section 3. The estimated cost of acquiring, constructing and installing said plan of improvements described in Section 2 hereof is hereby declared to be as near as can be, the sum of \$910,000 and 100% of such cost in excess of any state or federal grants attributable to such costs will be borne by assessments levied against property within Utility Local Improvement District No. 4 and specially benefited by said improvements.

ADOPTED by the Board of Commissioners of Whatcom County Water District No. 8, Whatcom County, Washington, at a regular meeting of said Board held January 16, 1975.

William O'Koghl
President and Commissioner

Mike O'Connor
Commissioner
James Sullivan Sr
Commissioner

ATTEST:

James Sullivan Sr
Secretary of said Commission

AREA I

BIRCH BAY VILLAGE.

Beginning at the intersection of the West line of the East 1/2 of the Northeast 1/4 of Section 27, Township 40 North, Range 1 West, W.M., Whatcom County, Washington with the line of mean higher high water of Birch Bay;

Thence Northerly along said West line to the South line of Section 22, Township 40 North, Range 1 West.;

Thence continuing Northerly along the West line of the Southeast 1/4 of the Southeast 1/4 of said Section 22 to the South line of Birch Bay Village Division 7, according to the plat thereof recorded in Volume 10 of plats, page 43, records of Whatcom County, Washington;

Thence Easterly along said South line to the Southeast corner of Lot 55, said Division No. 7;

Thence Northerly along the East margin of Lots 56 and 57, said Division 7 and the East line of Salish Road to angle point therein;

Thence Easterly along the South margin of said Salish Road to the Northwest corner of Lot 73, Birch Bay Village, Division 4, according to plat thereof recorded in Volume 9 of plats, page 136, records of said Whatcom County;

Thence Southerly along the West line of said Division 4 to its intersection with the Southeasterly margin of Quinault Road;

Thence Northerly along said Southeasterly margin to the South line of Lot 7, said Division 4;

Thence Easterly along said South line to the West line of Lot 6, said Division 4;

Thence Southerly along said West line and the West line of Birch Bay Village, Division 8, according to the plat thereof recorded in Volume 9 of plats, page 142, records of said Whatcom County, to the North line of Birch Bay Village, Division 12B according to the plat thereof recorded in Volume 13 of plats, page 1, records of said Whatcom County;

Thence continuing Southerly along said West line of Division 12B to the North line of the Lake as delineated in said Division 12B;

Thence Southeasterly along said Northerly and Easterly line to the most Southerly corner of said Lake;

Thence Northwesterly along the East line of Tract "A", and Lots 5 thru 14, said Division 12B to the Northeast corner of said Lot 14;

Thence Southwest / along the North line of said Lot 14 to the East margin of Skeena Way;

Thence Northerly along said East margin to the Northwesternly line of Birch Bay Village, Division No. 9 according to the plat thereof recorded in Volume 10 of plats, page 38, records of said Whatcom County;

Thence Southwesterly and Southerly along said Northwesternly and Westerly line to the SW corner of Lot 103, said Division 9;

Thence continuing Southerly along the West line of Lots 63, 62, and 61, Birch Bay Village, Division 12 according to the plat thereof recorded in Volume 12 of plats, page 79 and 80 records of said Whatcom County, to the intersection of the Southerly extension of the West line of said Lot 61 with the centerline of Nakat Way;

Thence Easterly along the centerline of said Nakat Way to its intersection with the North extension of the East line of Lot 1, said Division 12;

Thence Southerly along said Northerly extension and the East line of said Lot 1 and its Southerly extension to its intersection with the line of mean higher high water of Birch Bay;

Thence Northwesternly along said line of mean higher high water to its intersection with the West line of the East 1/2 of the Northeast 1/4 of said Section 27 and the Point of Beginning.

EXHIBIT A

AREA II

BIRCH BAY WEST END ESTATES ADDITION NO. 1

Beginning at the West 1/4 corner of Section 24, Township 40 North, Range 1 West, W.M., Whatcom County, Washington;

Thence North along the West line of said Section 24 to the North line of the West 1/2 of the SW 1/4 of the NW 1/4 of said Section 24;

Thence East along said North line to the East line of the said West 1/2 of the SW 1/4 of the NW 1/4 of Section 24;

Thence South along said East line to the North line of Birch Bay West End Estates according to the plat thereof recorded in Book 8 of the Plats, Page 76, records of Whatcom County, Washington;

Thence continuing South along the West line of said Birch Bay West End Estates to the South line of the said West 1/2 of the SW 1/4 of the NW 1/4 of Section 24;

Thence West along the said South line to the said West 1/4 corner of Section 24 and the point of beginning.

EXHIBIT A

AREA III

BIRCHMONT

Beginning at the intersection of the Shoreline (line of ordinary high tide) of Birch Bay with the Northeast line of Sunset Reserve, of See-Haven, according to the plat thereof recorded in Volume 8, Page 68, Records of Whatcom County, Washington;

Thence Southeasterly along said Northeast line to the North margin of Priester Drive of Birchmont, according to the plat thereof recorded in Volume 8, Page 53, Records of Whatcom County, Washington;

Thence Southwesterly along said North margin to the Northeast corner of Lot 1, said See-Haven;

Thence Westerly along the North line of said Lot 1 and the North line of Lots 2 and 3, said See-Haven to the Northwest corner of said Lot 3;

Thence Southeasterly along the West line of said Lot 3 and its Southerly extension to its intersection with the centerline of Holeman Avenue, said See-Haven;

Thence Northeasterly along said centerline to its intersection with the Northwesterly extension of the West line of Lot 50, said See-Haven;

Thence Southeasterly along said extension and the West line of said Lot 50 to the Southwest corner thereof;

Thence Easterly along the South line of said Lot 50 and the South line of Lot 51 and 52, said See-Haven to the most Easterly corner thereof;

Thence Northeasterly perpendicular to the centerline of said Holeman Road to a line which is 180 feet Easterly of and parallel with the centerline of Holeman Avenue;

Thence Northwesterly along said parallel line to its intersection with a line which is 190 feet Southeasterly of and parallel with the Northwesterly margin of said Priester Drive;

Thence Northeasterly along said line to its intersection with the centerline of Jill Street, of said Birchmont;

Thence Northwesterly along said centerline to its intersection with the Southwesterly extension of the centerline of Block 10, said Birchmont;

EXHIBIT A

Thence Northeasterly along said Southeasterly extension and along said centerline of Block 10, and its Northeasterly extension to the most Easterly corner of Lot 5, Block 14, said Birchmont;

Thence Northeasterly along the Northeasterly extension of the centerline of said Block 14 to its intersection with the centerline of Point Whitehorn Road No. 736;

Thence Northerly along said centerline to its intersection with the South line of Government Lot 1, Section 2; Township 39 North, Range 1 West, W.M.,

Thence along the centerline of Birch Bay Drive as described in Auditor's File No. 782504, according to the records of Whatcom County, Washington, North 172.0 feet; Thence North $37^{\circ}02'$ East 225.1 feet; Thence North $18^{\circ}46'$ East 169.0 feet; Thence North $30^{\circ}39'$ East 78.0 feet; Thence North $59^{\circ}21'$ West along a line which is at Right Angles to said centerline to its intersection with the Shoreline of Birch Bay;

Thence Southwesterly along said Shoreline to its intersection with the Northeast line of said Sunset Reserve and the Point of Beginning.

EXHIBIT A

ALLOTMENTS AND BETTERMENTS TO

WHATCOM COUNTY WATER DISTRICT NO. 8

U.L.I.D. NO. 4

BIRCH BAY VILLAGE

<u>ON</u>	<u>FROM</u>	<u>TO</u>
Skeena Way	Kispiox Road	Salish Road
Comox Loop West of Comox Road	Comox Road, Westerly and Northerly	Comox Road
Quinault Road	Kispiox Road	Skeena Way
Kayak Way	Quinault Road	Quinault Road
Kitamat Way	Kayak Way	Quinault Road
Quinault Loop North of Quinault Road	Quinault Road	Skeena Way
Cul-de-Sac	Quinault Loop	120 ft. Northerly
Salish Loop East Salish Road	Salish Road	Salish Road
<u>Easements:</u>		
250 ft. South of Salish Road	Salish Loop	Skeena Way

BIRCH BAY WEST END ESTATES

<u>ON</u>	<u>FROM</u>	<u>TO</u>
Pheasant Drive West	Fawn Crescent Road	Grouse Crescent
Pheasant Drive East	Fawn Crescent Road	Grouse Crescent

EXHIBIT B

Birch Bay West End Estates (Cont.)

<u>ON</u>	<u>FROM</u>	<u>TO</u>
Grouse Crescent	Pheasant Drive West	Pheasant Drive East
<u>Easement:</u>		
300 ft. South of Pheasant Drive	Deer Trail	400 ft. Westerly
<u>Birchmont:</u>		
Birch Bay Drive	Birch Bay State Park	Priester Drive
Priester Drive	Birch Bay Drive	County Road
County Road	Priester Drive	Holeman Avenue
Holeman Avenue	County Road	300 ft. West

Pump Station on Birch Bay Drive at State Park

EXHIBIT B