

SILVER LAKE WATER DISTRICT
SNOHOMISH COUNTY, WASHINGTON
RESOLUTION NO. 445

A RESOLUTION of the Board of Commissioners of Silver Lake Water District, Snohomish County, Washington, adopting a standard Reimbursement Agreement for property owners and providing for a reimbursement assessment process and repealing Resolution 436.

WHEREAS, RCW 35.91, 56.16 and 57.16, 56.22 and 57.22 authorize Reimbursement Agreements for monies advanced in the construction of water or sewer facilities by property owners; and

WHEREAS, the Board of Commissioners finds that it is in the best interest of the District to clarify the existing Resolution 436 which provides for a standard Reimbursement Agreement and procedures for determining Reimbursement Agreements and Reimbursement Connection Charges with property owners;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SILVER LAKE WATER DISTRICT, SNOHOMISH COUNTY, WASHINGTON as follows:

Section 1. A property owner seeking to connect to the District water or sewer system by means of a Developer Extension Agreement shall indicate whether a Reimbursement Agreement is requested. If a Reimbursement Agreement is requested, the property owner shall submit project plan, map or diagram of the benefitted area prepared by a licensed professional engineer, ownership reports on properties within the benefitted areas, a cost estimate prepared by the engineer for the project based upon the plans of a civil engineer from which reimbursable costs shall be estimated, and such other information as the District may require.

Section 2. Property owners requesting a Reimbursement Agreement shall submit a non-refundable payment in the amount of \$3,000.00 and \$300.00 per parcel in the benefitted area to be applied to the District's legal, engineering and administrative costs associated with preparing the Reimbursement Agreement, which costs shall be included as reimbursable costs in the Reimbursement Agreement; provided that whenever District engineering, legal and administrative costs exceed the payment required herein, the District shall not submit the Reimbursement Agreement to the Commissioners until such costs have been paid in full.

Section 3. Upon receipt of the completed Reimbursement Agreement, the information requested therein and the required payment, the District shall direct its Engineer to review the project and to designate by legal description the area of real property benefitted by the project.

Section 4. The District's Engineer shall ascertain the legal description of individual

parcels within the benefited area and confirm the names of the owners of record of such parcels and he shall determine the estimated reimbursable costs of the project and the individual parcels' estimated "fair pro rata share" of cost of the project, the District shall use that method which, in the judgment of the District, most fairly allocates that cost among the affected properties.

Section 5. Once the District has determined the fair allocation of costs based on the project costs, the benefit area and the properties included therein, the District shall notify the record owners of properties within the benefit area, by certified mail, of the assessment area, the assessment share and the owner's right to request a hearing in writing within twenty days of the mailing of the notice reimbursement connection charges. Upon receipt of a timely request for hearing from a property owner within the assessment area, the District shall schedule a hearing on the designated reimbursement area and the estimated fair pro rata share of costs. The property owner requesting the Reimbursement Agreement shall be in attendance at the hearing. Failure of the property owner to attend shall result in rejection of the request for Reimbursement Agreement. At the hearing, the Commissioners shall establish the reimbursement area and the reimbursement connection charge for properties within the assessment area; provided that the Commissioners may only increase the reimbursement area upon new notice to the owners of the affected property. The Commissioners may accept, modify or reject the proposed Reimbursement Agreement and the benefit area and reimbursement connection charges. Should a hearing occur, the District and the property owner shall reconfirm the Reimbursement Agreement.

Section 6. Prior to commencing construction of the project, the owner shall submit to the District proof of a binding contract with a qualified construction company to build the facilities in accordance with the approved plans and specifications and sufficient security to the District to ensure completion of the extension facilities and other performance under the contract.

Section 7. The reimbursement connection charge shall be collected whenever the owner of a benefited property seeks to connect to the system identified in a Reimbursement Agreement. Reimbursement connection charge funds shall be deposited into the District's maintenance and operations fund and, after the District's deduction for administration costs of 10%, the balance of said funds shall be distributed within 60 days from the receipt of the funds to the designee(s) identified in the Reimbursement Agreement. Funds undeliverable two years after receipt shall inure to the District's Capital Improvement Fund.

Section 8. As an alternative to financing projects solely by owners of real estate in accordance with this Resolution and RCW 56.22 and 57.22, the District may join in financing of improvement projects and may be reimbursed in the same manner as the owners of real estate who participate in the projects, if the District has specified the conditions of its participation in a resolution.

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Section 9 Resolution 436 of the Silver Lake Water District is hereby repealed in its entirety.

ADOPTED BY THE BOARD OF COMMISSIONERS OF SILVER LAKE WATER DISTRICT, SNOHOMISH COUNTY, WASHINGTON, at a regular meeting thereof held this 27th day of October, 1994.

President and Commissioner

Rod Keppeler
Secretary and Commissioner

Don A. Fisher
Commissioner

I CERTIFY the above to be a true and correct copy of Resolution No. 445 adopted by the Board of Commissioners of the Silver Lake Water District this 27th day of October, 1994 as said Resolution appears in the records of the Silver Lake Water District.

Rod Keppeler
Secretary of the Silver Lake Water District