

AFTER RECORDING RETURN TO:

Silver Lake Water District
2210 132nd Street S.E.
Mill Creek, WA 98012-5615



200508110616 13 PGS
08-11-2005 01:26pm \$44.00
SNOHOMISH COUNTY, WASHINGTON

DOCUMENT TITLE: SILVER LAKE WATER DISTRICT RESOLUTION NO. 596
APPROVING A REMIBURSEMENT AGREEMENT WITH
CORRECTED LEGAL DESRIPTION

Grantor(s): Silver Lake Water District

Grantee(s): General Public

Short Legal Description: NE 1/4 OF THE NW 1/4 OF SECTION 35, AND THE
NORTH 1/2 OF THE NE 1/4 OF SECTION 35 AND A
PORTION OF THE NW 1/4 OF SECTION 36, TOWNSHIP 28
NORTH, RANGE 5 EAST, WILLAMETE MERIDIAN
[Complete legal description on page 7 & 8]

Assessor's Property Tax
Parcel/Account Number(s): 28053500200100, 28053500100200, 28053500100100,
28053600200700

Reference Number(s) of
Documents Assigned
or Released: 200507220675

After Recording Return to:
Silver Lake Water District
2210 132nd St. S.E.
Mill Creek, Wa. 98012-5615

200507220675 11 PGS
07-22-2005 12:20pm \$29.00
SNOHOMISH COUNTY, WASHINGTON

SILVER LAKE WATER DISTRICT
SNOHOMISH COUNTY WASHINGTON
RESOLUTION NO. 596

Reference No. NA

Grantor: Silver Lake Water District

Grantee: General Public

Legal Description: NE ¼ OF THE NW ¼ OF SECTION 35, AND THE NORTH ½ OF THE NE ¼ OF SECTION 35 AND A PORTION OF THE NW ¼ OF SECTION 36, TOWNSHIP 28 NORTH, RANGE 5 EAST, WILLAMETE MERIDIAN (Full legal on page 7 & 8)

Assessor's Parcel No. 28053500200100, 28053500100200, 28053500100100, 28053600200700

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SILVER LAKE WATER DISTRICT APPROVING A REIMBURSEMENT AGREEMENT AND SETTING FORTH A REIMBURSEMENT AREA AND REIMBURSEMENT CONNECTION CHARGES FOR THE SNOHOMISH CASCADE SECTOR 7 SEWER LIFT STATION AND FORCE MAIN AND OTHER RELATED FACILITIES EXTENSION WHICH IS AVAILABLE FOR SERVICE OF PROPERTIES GENERALLY LOCATED IN CERTAIN PORTIONS OF THE SNOHOMISH CASCADE SECTOR 7 LIFT STATION DRAINAGE BASIN SERVICE AREA AS DEFINED BY THE DISTRICT.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Silver Lake Water District of Snohomish County, Washington:

Section 1 Findings

1.1 Certain property owners (the "Developer") have constructed and installed, at the Developer's expense, certain water or sewer extension improvements (the "Extension Improvements") providing regional facilities for service of properties in that general area of the District. A description of the

Extension Improvements and project cost are set forth on Exhibit A attached hereto and incorporated herein by this reference.

- 1.2 The Extension Improvements were constructed in accordance with the specifications and regulations of the Silver Lake Water District ("District").
- 1.3 The District has adopted a comprehensive plan ("Comprehensive Plan") that identifies certain improvements and betterments that will be necessary in order to provide adequate utility service for the projected residential, commercial and industrial growth within the District. These additional facilities are an integral interim step to achieve the goals of the District's Comprehensive Plan.
- 1.4 Specific properties located within an area legally described and depicted on Exhibit B attached hereto and incorporated herein by this reference (the "Reimbursement Area") may connect to or use the Extension Improvements. These properties, in their present configuration, would be allowed by the District to construct the same water or sewer improvements to connect to the Silver Lake Water District water or sewer system at this time.
- 1.5 The Developer has transferred ownership and control of the Extension Improvements to the District without cost to the District.
- 1.6 Chapters 57.08 and 57.22 RCW authorize the District to collect connection charges from the owners of properties connecting to or using water or sewer improvements, such charge being that property's pro rata share of the cost of the installation of the improvements and related facilities which provide water or sewer service to such properties, including design, engineering, construction, installation and administrative costs as described in Exhibit A (the "Reimbursement Connection Charge(s)").
- 1.7 Any such Reimbursement Connection Charges timely collected by the District will be reimbursed to the Developer less the District administrative fee of ten percent (10%).
- 1.8 The District notified the record owners of properties within the Reimbursement Area, by certified and regular mail postmarked on the 20th day of April, 2005, of the Reimbursement Area, the Reimbursement Connection Charges allocated to the property(s) and the owners' right to request a hearing in writing before the District Board of

Commissioners within twenty (21) days of the mailing of the notice of Reimbursement Connection Charges.

- 1.9 The District received no request for a hearing from any of the property owners within the Reimbursement Area. Therefore, following the expiration of the period for affected property owners to request a hearing, the District Board of Commissioners by the adoption of this resolution approve a Reimbursement Agreement with the Developer providing for reimbursement to the Developer from the owners of property which connects to or uses the Extension Improvements. The Reimbursement Agreement shall be recorded with the Snohomish County Auditor's Office Snohomish County, Washington.
- 1.10 A substantial portion of property within the Reimbursement Area is not yet ready to connect to or use the District's water or sewer system.
- 1.11 Final determination of actual lot yield by all parcels within the benefit area is not yet known. Lot yield may change sometime prior to development of properties in the benefit area depending on approaches to development of property by developers.
- 1.12 Pro rata allocation of developers cost for the sewer facilities is most equitably allocated to benefited property on a gross acres basis. All properties are assessed approximately \$ 3,565.170933 per acre.

Section 2 Allocation Formula

After considering the information received regarding this matter, the Commissioners have determined the gross acre formula is the method that most fairly allocates the reimbursable costs of the project among the affected properties

Section 3 Reimbursement Area and Reimbursement Connection Charges

The District Board of Commissioners hereby establishes the Reimbursement Area and the Reimbursement Connection Charge for properties within the Reimbursement Area as set forth on Exhibit C attached hereto and incorporated herein by this reference.

Section 4 Payment Upon Connection or Use

Owners of property set forth on Exhibit C, who connect to or use the District sewer system by Developer Extension, or side sewer hook up, which ever occurs first, within ten years from the date of this Resolution, shall pay their pro rata share of the expense of the Extension Improvements as a Reimbursement Connection Charge. Such charges are the sole source of funds for the District from which reimbursement to Developer on a pro rata basis can and will be made, as and when the same are collected by the District.

Section 5 Administrative Fees

District shall first deduct an amount equal to ten percent (10%) of the collected Reimbursement Connection Charge to cover its administrative costs, and the remaining balance of the charge shall be paid to the Developer. District shall follow its established procedures of depositing such funds received with the Snohomish County Treasurer and drawing upon the same and affecting payment by Snohomish County Treasurer Warrant in the manner provided by law.

Section 6 Other Charges

Any Reimbursement Connection charge paid to the District shall be in addition to any and all other District connection fees, charges, rates and assessments against the property in existence at the time of the connection of or use by the property of the District's water or sewer system.

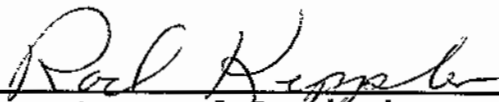
Section 7 Recording With County Auditor

The Developer shall record the Reimbursement Agreement with the Snohomish County Auditor's office. The District need not collect Reimbursement Connection Charges until this Resolution and the Reimbursement Agreement is recorded.

ADOPTED by the Board of Commissioners at a regular meeting of the Silver Lake Water District, Snohomish County, Washington this 14 day of July, 2005.



President and Commissioner



Secretary and Commissioner



Commissioner

CERTIFICATION

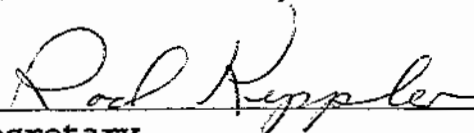
I, the undersigned, Secretary of the Board of Water Commissioners of Silver Lake Water District, Snohomish County, Washington (the "District"), hereby certify as follows:

1. The attached copy of Resolution No. 596 (the "Resolution") is a full, true and correct copy of the Resolution duly adopted at a regular meeting of the Board of Commissioners of the District held at the regular meeting place thereof on 14th day of July, 2005, as that Resolution appears on the Resolution Book of the District; and the Resolution will be in full force and effect immediately following its adoption; and

2. A quorum of the members of the Board of Commissioners was present throughout the meeting and a majority of those members present voted in the proper manner for the adoption of the Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand this 14 day of July, 2005.

SILVER LAKE WATER DISTRICT,
SNOHOMISH COUNTY, WASHINGTON



Secretary

**SILVER LAKE WATER DISTRICT
LATECOMER'S FOR SNOHOMISH CASCADE SECTOR 7
LIFT STATION AND FORCE MAIN**

**EXHIBIT A
DESCRIPTION OF IMPROVEMENTS**

The improvements included as part of this latecomer's agreement are:

- 375 GPM Lift Station
- Approximately 1,420 Lineal Feet of 6-Inch-Diameter Force Main

The costs of the improvements included in the latecomer's agreement are:

Administrative & Operating Expenses

Snohomish Cascade Sector 7 LLC.....\$21,000.00

Engineering

David Evans and Associates, Inc. (Design).....\$44,060.00

David Evans and Associates, Inc. (Construction Staking & Record
Drawings).....\$18,000.00

Design Review / Inspection

SLWD Design & Inspection.....\$6,092.73

Telemetry Panel.....\$6,883.00

Summit Engineering\$5,398.16

Attorney Fees\$1,697.50

Utilities

Snohomish County P.U.D.....\$6,140.00

Silver Lake Water District.....\$380.00

Construction

Sajasa Construction, Inc.....\$192,267.92

Smith & Loveless.....\$130,562.39

Town & County Fence, Inc.\$9,335.97

Reimbursement Agreement Fees

SLWD Fees.....\$3,900.00

TOTAL COSTS \$445,717.67

COST PER ACRE: \$ 3,565.170933

**SILVER LAKE WATER DISTRICT
SNOHOMISH CASCADE SECTOR 7
LIFT STATION AND FORCE MAIN LATECOMER'S
BOUNDARY DESCRIPTION**

EXHIBIT B

NE ¼ OF THE NW ¼ OF SECTION 35, AND THE NORTH ½ OF THE NE ¼ OF SECTION 35 AND A PORTION OF THE NW ¼ OF SECTION 36, TOWNSHIP 28 NORTH, RANGE 5 EAST, WILLAMETE MERIDIAN, MORE SPECIFICALLY DESCRIBED AS FOLLOWS;

BEGIN AT THE NORTHWEST CORNER OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 35, TOWNSHIP 28 NORTH, RANGE 5 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON;

THENCE EAST ALONG THE NORTHERN BOUNDARY LINE OF SAID SUBDIVISION TO THE NORTHWEST CORNER OF THE EAST ½ THEREOF AND THE TRUE POINT OF BEGINNING;

THENCE EASTERLY ALONG THE NORTHERN BOUNDARY LINE OF SAID SECTION 35 TO THE NORTHEAST CORNER THEREOF, SAID CORNER ALSO BEING THE NORTHWEST CORNER OF SECTION 36, TOWNSHIP 28 NORTH, RANGE 5 EAST, W.M.;

THENCE SOUTH ALONG THE WESTERLY BOUNDARY LINE OF SAID SECTION 36, A DISTANCE OF 420 FEET;

THENCE EAST ALONG A LINE THAT IS PARALLEL TO AND 420 FEET SOUTH OF THE NORTHERN BOUNDARY LINE OF SAID SECTION, FOR A DISTANCE OF 300 FEET;

THENCE NORTH ALONG A LINE THAT IS PARALLEL TO AND 300 FEET EAST OF SAID WESTERN BOUNDARY OF SECTION 36 FOR A DISTANCE OF 190 FEET;

THENCE EAST ALONG A LINE THAT IS PARALLEL TO AND 230 FEET SOUTH OF THE NORTHERN BOUNDARY LINE OF SAID SECTION FOR A DISTANCE OF 400 FEET;

THENCE NORTH ALONG A LINE THAT IS PARALLEL TO AND 700 FEET WEST OF THE WESTERN BOUNDARY LINE OF SAID SECTION TO A POINT ON SAID NORTHERN BOUNDARY LINE;

THENCE EAST ALONG SAID NORTHERN BOUNDARY LINE TO THE NORTHEAST CORNER OF THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 36;

THENCE SOUTH ALONG THE EAST LINE OF SAID SUBDIVISION TO A POINT THAT IS 1,130 FEET SOUTH OF THE NORTHERN BOUNDARY LINE THEREOF;

THENCE WEST ALONG A LINE THAT IS PARALLEL TO AND 1,130 FEET SOUTH OF SAID NORTHERN BOUNDARY LINE FOR A DISTANCE OF 570 FEET;

THENCE NORTH ALONG A LINE THAT IS PARALLEL TO AND 570 FEET WEST OF SAID EASTERN BOUNDARY LINE OF SAID SUBDIVISION FOR A DISTANCE OF 370 FEET;

THENCE WEST ALONG A LINE THAT IS PARALLEL TO AND 760 FEET SOUTH OF SAID NORTHERN BOUNDARY LINE FOR A DISTANCE OF 420 FEET;

THENCE SOUTHWESTERLY TO THE SOUTHEAST CORNER OF THE NORTH $\frac{1}{2}$ OF THE NORTH $\frac{1}{2}$ OF SAID SECTION 35;

THENCE WEST ALONG THE SOUTHERN BOUNDARY LINE OF SAID SUBDIVISION TO THE SOUTHWEST CORNER OF THE EAST $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 35;

THENCE NORTH ALONG THE WEST LINE OF THE EAST $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 35 TO THE TRUE POINT OF BEGINNING.

ALL SITUATED IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

SCALE:
1"=800'



LOWELL LARIMER RD.

T.P.O.S.

1

2

3

4

LATECOMER'S
BOUNDARY

SILVER LAKE WATER DISTRICT
CROSS VALLEY WATER DISTRICT

132ND ST. S.E.

CATHCART LANDFILL

SILVER LAKE WATER DISTRICT
SNOHOMISH CASCADE SECTOR 7
LATECOMER'S BOUNDARY MAP

**LATECOMER'S ROLL
SILVER LAKE WATER DISTRICT
SNOHOMISH CASCADE SECTOR 7
LIFT STATION AND FORCE MAIN**

Prepared by Gray & Osborne, Inc.

Kenneth Enns, P.E.

Reviewed by Silver Lake Water District

Patrick Curran
General Manager

Approved by Silver Lake Water District

Bill Anderson

Rod Keppler

Roger Summy
Commissioners

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Exhibit C

**LATECOMER'S ROLL
SILVER LAKE WATER DISTRICT
SNOHOMISH CASCADE SECTOR VII
LIFT STATION AND FORCE MAIN**

FEBRUARY 2005

PARCEL	OWNER ADDRESS	LEGAL DESCRIPTION	AREA (ACRES)	AMOUNT
1.	28053500200100 WINDE, ROSS W. P. O. BOX 116 EVERETT, WA 98206	SEC 35 TWP 28 RGE 05 RT-8) NE1/4 NW1/4 DF 72 <i>(EASTERLY HALF)</i>	20.00	\$71,303.42
2.	28053500100200 SNOHOMISH CASCADE SECTOR 7, LLC 301 116TH AVENUE SUITE # 570 BELLEVUE, WA 98004	SEC 35 TWP 28 RGE 05 - PART 1 OF 3 PARTS - PROP PLAT OF GREENLEAF AT SNOHOMISH CASCADE	34.21	\$121,964.50 Developer
3.	28053500100100 SNOHOMISH CASCADE SECTOR 7, LLC 301 116TH AVENUE SUITE # 570 BELLEVUE, WA 98004	SEC 35 TWP 28 RGE 05 - PART 3 OF 3 PARTS - PROP PLAT OF GREENLEAF AT SNOHOMISH CASCADE	45.52	\$162,286.58 Developer

PARCEL	OWNER ADDRESS	LEGAL DESCRIPTION	AREA (ACRES)	AMOUNT
4.	28053600200700 SNOHOMISH CO PROP MGMT 3000 ROCKEFELLER AVENUE M/S 404 EVERETT, WA 98201	<i>THAT PORTION OF SEC 36 TWP 28 RGE 05 W1/2 NW1/4 TGV SW1/4 LESS NE1/4 THOF LESS SR 9 LAND FILL SALE 1979 \$0 V/1466 P/528 DESCRIBED AS FOLLOWS; BEGIN AT THE NW CORNER OF SEC 36 TWP 28 RGE 05; THENCE SOUTH A DISTANCE OF 420 FT TO A POINT ON THE WESTERN BOUNDARY LINE OF SAID SEC 36 AND THE TRUE POINT OF BEGINNING; THENCE EAST ALONG A LINE PARALLEL TO AND 420 SOUTH OF THE NORTHERN BOUNDARY LINE OF SAID SECTION A DISTANCE OF 300 FT; THENCE NORTH ALONG A LINE THAT IS PARALLEL TO AND 300 FT EAST OF THE WESTERN BOUNDARY LINE OF SEC 36 A DISTANCE OF 190 FT; THENCE EAST ALONG A LINE THAT IS PARALLEL TO AND 230 FT SOUTH OF THE NORTHERN BOUNDARY LINE OF SEC 36 A DISTANCE OF 400 FEET; THENCE NORTH ALONG A LINE THAT IS PARALLEL TO AND 700 FEET WEST OF THE WESTERN BOUNDARY LINE TO A POINT ON THE NORTHERN BOUNDARY LINE; THENCE EAST ALONG SAID LINE TO THE NE CORNER OF THE NW 1/4 OF THE NW 1/4 OF SAID SECTION 36; THENCE SOUTH ALONG THE EASTERN BOUNDARY LINE OF SAID SUBDIVISION TO A POINT THAT IS 1,130 FEET SOUTH OF SAID CORNER; THENCE WEST ALONG A LINE THAT IS PARALLEL TO AND 1,130 FEET SOUTH OF SAID NORTHERN BOUNDARY LINE A DISTANCE OF 570 FT; THENCE NORTH ALONG A LINE THAT IS PARALLEL TO AND 570 FEET WEST OF SAID EASTERN BOUNDARY LINE A DISTANCE OF 370 FT; THENCE WEST ALONG A LINE THAT IS PARALLEL TO AND 760 FT SOUTH OF SAID NORTHERN BOUNDARY LINE A DISTANCE OF 420 FT; THENCE SOUTHWESTERLY TO THE SE CORNER OF THE N 1/2 OF THE N 1/4 OF SECTION 35; THENCE NORTH ALONG THE WESTERN BOUNDARY LINE OF SECTION 36 TO THE TRUE POINT OF BEGINNING.</i>	25.29	\$90,163.17

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Note: Legal descriptions in italics added specifically for Latecomers charges

Grand Totals = 125.05 ACRES

\$445,717.67