

EAST WENATCHEE WATER DISTRICT  
DOUGLAS COUNTY, WASHINGTON  
RESOLUTION NO. 616

**A RESOLUTION of the Board of Water Commissioners of East Wenatchee Water District, Douglas County, Washington, relating to Utility Local Improvement District No. 2 (Baker Flats), a water system improvement included in the District's Plan and System Improvements, and as provided by Resolution No. 594; approving and confirming assessments and assessment roll of ULID No. 2 for the Baker Flats water system; and, levying and assessing the cost and expense thereof against the several lots, tracts, parcels of land and other property as shown on the assessment roll.**

BE IT RESOLVED BY THE BOARD OF WATER COMMISSIONERS OF EAST WENATCHEE WATER DISTRICT, DOUGLAS COUNTY, as follows:

Section 1. RECITALS FINDINGS AND CONCLUSIONS

1.1 The assessment roll levying the special assessments against the property located in Utility Local Improvement District No. 2 ("ULID No. 2") in East Wenatchee Water District, Douglas County, Washington (the "District"), has been filed with the Secretary of the Board of Water Commissioners (the "Board") of the District as provided by law.

FINDINGS OF FACT

1.2 Notice of the time and place of the initial hearing on the assessment roll and for making objections and protests to the roll was published at and for the time and in the manner provided by law. The time and place of the initial hearing on the assessment roll was set for the 18th day of August, 2010, at the hour of 6:00 p.m., local time, at the Douglas Public Utility District building, 1151 Valley Mall Parkway, East Wenatchee, Washington. And, further notice of the initial hearing on the assessment roll was timely mailed by the Secretary of the Board to each property owner shown on the roll, including the Washington State Department of Transportation. Following receipt and consideration of protests, the Board proceeded by Resolution No. 613 to confirm assessments and the assessment roll, except as to parcels no. 65 and 84. The hearing was continued for parcels no. 65 and 84, only, to provide additional and timely notice to Washington State agencies. Further notice of the time and place of the continued hearing on the assessment roll and for making objections and protests to the roll was published at and for the time and in the manner provided by law. And, further notice of the hearing on the assessments was timely mailed by the Secretary of the Board to State agencies as required by law. The time and place of the continued hearing on the assessment roll was set for the 6<sup>th</sup> day of October, 2010, at the hour of 4:00 p.m., local time, at the District's building, 692 Eastmont Ave, East Wenatchee, Washington.

1.3 At the time and place fixed and designated in the notice, the continued hearing was held. All written protests received were considered and all persons appearing at the hearing who wished to be heard were heard. The Board, sitting and acting as a Board of Equalization, considered the roll and the special benefits to be received by each lot, parcel and tract of land shown upon such roll, including the increase and enhancement of the fair market value of each such parcel of land by reason of the improvement.

1.4 Section 1 of Resolution No. 613 (September 1, 2010), including all Findings of Fact and Conclusions of Law, is incorporated herein by this reference as if set forth in full.

1.5 Appearing at the hearing on October 6, 2010 and testifying were District representative Greg Brizendine, consulting engineer Randy Asplund and Kirk Dosser, appraiser.

1.6 By letter to the District dated September 30, 2010, the Washington State Department of Transportation, stated in material part:

Our review has determined the parcels assessed and the acreages assessed within those parcels were appropriate. Therefore, the Department will not contest the assessments and will not provide further comment at the hearing scheduled for October 6, 2010.

1.7 Subsequent to the adoption of Resolution No. 613 an inadvertent error in the calculation of the land area for parcel no. 141 has come to the attention of the District. Parcel no. 141 should be 3.48 acres (not 4.01 acres). As a result, the assessment against parcel no. 141 should be reduced from \$27,549 to \$23,907.60.

Section 2. ASSESSMENT ROLL. The assessments and assessment roll of Utility Local Improvement District No. 2 which has been created and established for the purpose of acquisition, construction and installation of Baker Flats Plan and System Improvements, as provided by Resolution No. 594, as the same now stand shall be and the same are approved and confirmed and/or modified in all things and respects in the total amount of **\$353,531.00** for parcels no. 65 and 84, only; and, for parcel no. 141 in the total amount of **\$23,907.60**. Except as provided in this Resolution No. 616, the assessments and assessment roll of Utility Local Improvement District No. 2 shall remain as set forth in Resolution No. 613.

Section 3. ASSESSMENT LEVIED. There is levied and assessed against each lot, tract or parcel of land and other property appearing upon the roll the amount finally charged against the same, as set forth herein and in Resolution No. 613.


Section 4. COLLECTION OF ASSESSMENTS


4.1 The assessment roll as approved and confirmed, and modified herein, shall be filed with the Douglas County Treasurer (the "Treasurer") for collection. As to parcels no. 65 and 84, only, the Treasurer is authorized and directed to mail and publish notice as required by law (unless such notice is otherwise waived by the Washington State Department of Transportation) stating that the roll is in her hands for collection and that payment of any assessment thereon or any portion of such assessment can be made at any time within 30 days from the date of first publication of such notice without penalty, interest or cost, and that thereafter the sum remaining unpaid may be paid in 20 equal annual installments. The assessment interest rate is hereby fixed at 2.9% per annum. The first installment of assessments on the assessment roll shall become due and payable during the 30-day period succeeding the date one year after the date of first publication by the Treasurer of notice that the assessment roll is in her hands for collection and annually thereafter each succeeding installment shall become due and payable in like manner.

4.2 If the whole or any portion of the assessment remains unpaid after the first 30-day period, interest upon the whole unpaid sum shall be charged at the rate as determined above, and each year thereafter one of the installments together with interest due on the unpaid balance, shall be collected. Any installment not paid prior to expiration of the 30-day period during which such installment is due and payable shall thereupon become delinquent. Each delinquent installment shall be subject, at the time of delinquency, to a charge of 12% penalty levied on both principal and interest due upon that installment, and all delinquent installments also shall be charged interest at the rate as determined above. The collection of such delinquent installments shall be enforced in the manner provided by law.

4.3 Assessments when collected shall be deposited into the District's Water Revenue Bond Fund, 2010, to which they have been pledged by Resolution No. 609.

ADOPTED by the Board of Water Commissioners of East Wenatchee Water District, Douglas County, Washington, at a regular open public meeting thereof, this 20th day of October, 2010.

  
Mike McCourt  
President and Commissioner

  
Brian Egan  
Vice President and Commissioner

  
Terry Barnes  
Secretary and Commissioner

CERTIFICATION

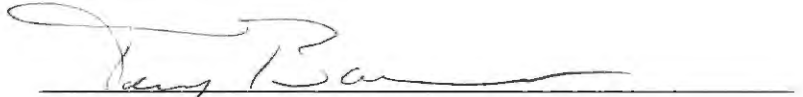
I, the undersigned, Secretary of the Board of Water Commissioners (the "Board") of East Wenatchee Water District, Douglas County, Washington (the "District"), hereby certify as follows:

1. The attached copy of Resolution No. 616 (the "Resolution") is a full, true and correct copy of a resolution duly adopted at a regular meeting of the Board held at the regular meeting place thereof on October 20, 2010, as that resolution appears on the minute book of the District; and the Resolution is now in full force and effect; and

2. A quorum of the members of the Board 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 20th day of October, 2010.

EAST WENATCHEE WATER DISTRICT  
DOUGLAS COUNTY, WASHINGTON



Terry Barnes  
Secretary of the Board of Water Commissioners