

LAKEHAVEN UTILITY DISTRICT  
King County, Washington

**Resolution No. 2003-992**

A **resolution** of the Board of Commissioners of the Lakehaven Utility District, King County, Washington, providing for the condemnation, appropriation, taking and/or acquisition of certain permanent and temporary easements for the purpose of constructing and maintaining the Second Supply Flow Control Facility Project, or portions thereof, and directing the District's General Counsel, or such special counsel as may be designated by the General Counsel, to file and maintain all necessary actions and proceedings in the manner provided by law for the condemnation of such easements.

**WHEREAS**, The District is a participant in the City of Tacoma's Second Supply Project, which contemplates deliveries of water to the District and other municipal water purveyors, and

**WHEREAS**, in order to effect the delivery of the water into the District's water system, it will be necessary for the District to install a permanent Flow Control Facility to equalize water pressures between the Second Supply Project supply and the District's 578 Pressure Zone, and

**WHEREAS**, the District has identified the Second Supply Project and its component facilities in its 1998 Comprehensive Water System Plan Update, and

**WHEREAS**, the construction, operation and maintenance of the Second Supply Flow Control Facility will require the acquisition of an easement over and across a certain parcel of property in the area of the project, and

**WHEREAS**, the District being unable to acquire such easement through the means of voluntary conveyance and being authorized under to state law to exercise the power of eminent domain,

NOW, THEREFORE, **BE IT RESOLVED** as follows:

1. The public health, safety, necessity and convenience demand that the Second Supply Flow Control Facility Project be constructed and that a certain easement upon property be condemned, appropriated, taken and/or damaged for the construction of said improvements as provided by this resolution. Failure to construct such improvements may lead to an inability to supply adequate water to a portion of the District's service area.
2. The improvements demanded by public health, safety, convenience and necessity consist of those improvements shown on the Contract Drawings 15-27-01, dated

January 2003, and prepared by CH2M-Hill Consultants and on file with the City of Tacoma, Washington, to wit: inspection and installation of an underground vault, up to 100 feet of 16 and 24-inch diameter water line, together with all appurtenances and related work necessary to make a complete improvement in accordance with the Lakehaven Utility District's 1998 Comprehensive Water System Plan. Said improvements will be a part of the public water system operated by the Lakehaven Utility District and available for use by the general public, and therefore the use of easements condemned herein for the construction of said improvements constitutes a public use.

3. The Board of Commissioners of the Lakehaven Utility District, after reviewing the planned improvements, hereby declares that the easement located within unincorporated King County, Washington, legally described and depicted in Exhibit "A" attached hereto and incorporated herein by this reference ("Easement"), shall be and hereby is condemned, appropriated, taken and/or damaged for the public use and purpose of installing the Second Supply Flow Control Facility Project. The condemnation, appropriation, taking and/or damaging of the Easement includes the right to access the property for the purpose of installing and maintaining the improvements. Further, the condemnation, appropriation, taking and/or damaging of the Easement shall be subject to the making or paying of just compensation to the owners thereof in the manner provided by law. Payment shall be made from the general funds of the Lakehaven Utility District.
4. The General Counsel, or such other attorney as may be selected by the General Counsel, is hereby authorized and directed to file all necessary actions and proceedings provided by law to condemn, take and appropriate the Easement in order to carry out the provisions of this resolution, and is further authorized in conducting said condemnation proceedings and for the purpose of minimizing damages, to stipulate as to the use of the Easement and as to the reservations of any right of use to the Easement owner(s), provided that such reservation does not interfere with the use of the Easement by the District as provided in this resolution. The General Counsel is further authorized to adjust the location and/or width of the Easement condemned or taken therein in order to minimize damages, provided that said adjustments do not interfere with the use of the Easement by the District as provided in this resolution.
5. The provisions of this resolution are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this resolution or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the resolution, or the validity of its application to other persons or circumstances.
6. Any act consistent with the authority and prior to the effective date of this resolution is hereby ratified and affirmed.
7. This resolution shall take effect upon its date of adoption as set forth below.

ADOPTED by the Board of Commissioners of Lakehaven Utility District, King County, Washington, at an open public meeting this 24 day of April, 2003.

ATTEST:

[Signature]  
President and Commissioner      ✓      \_\_\_\_\_      \_\_\_\_\_  
Yea      Nay      Abstain

[Signature]  
Vice President and Commissioner      ✓      \_\_\_\_\_      \_\_\_\_\_  
Yea      Nay      Abstain

[Signature]  
Secretary and Commissioner      ✓      \_\_\_\_\_      \_\_\_\_\_  
Yea      Nay      Abstain

[Signature]  
Commissioner      ✓      \_\_\_\_\_      \_\_\_\_\_  
Yea      Nay      Abstain

[Signature]  
Commissioner      ✓      \_\_\_\_\_      \_\_\_\_\_  
Yea      Nay      Abstain

Approved as to form:

[Signature]  
General Counsel

## Exhibit A

### Legal Description of Property (Tax Parcel 401440-0140)

Parcel B, King County Boundary Line Adjustment Number L98L0025, recorded under Recording No. 9807299008, said Boundary Line Adjustment being a re-configuration of Lot 2 and 3, Block 3 of Lake Dolloff Tracts Division No. 3, according to the plat thereof, recorded in Volume 48 of Plats, Page 71 and 72, in King County, Washington.

### Legal Description of Permanent Flow Control Facility Easement

Beginning at the Northeast corner of Parcel "B" King County boundary line adjustment number L98L9925 recorded under auditors file number 9807299008. Thence along the east line of said Parcel "B", South  $01^{\circ} 24' 06''$  West, 94.95 feet; thence along a line parallel to 20' southeasterly from the southerly limit of the Bonneville Power Administration right-of-way, South  $61^{\circ} 06' 31''$  West, 92.32 feet; thence North  $28^{\circ} 52' 43''$  West, 81.98 feet; thence along the northerly line of said Parcel "B", North  $61^{\circ} 07' 17''$  East, 140.23 feet to the Point of Beginning containing 9,536 square feet more or less.