

LAKEHAVEN UTILITY DISTRICT
King County, Washington

Resolution No. 2003-996

A resolution of the Board of Commissioners of the Lakehaven Utility District, King County, Washington, approving the establishment of certain latecomer reimbursement areas.

WHEREAS, the District is authorized to establish latecomer agreements to reimburse parties installing water and/or sewer facilities a portion of the cost of the extension of such facilities,

WHEREAS, the District periodically enters into agreements with developers to collect latecomer contributions from owners of property connecting to the improvements, and




WHEREAS, the Board desiring to approve of such agreements and the latecomer reimbursement area designations established therein,

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

1. Latecomer agreements and the latecomer reimbursement area designations as described in Exhibits "A" and "B" are hereby approved.
2. This resolution shall be effective on the date of adoption below and all agreements and latecomer area designations covered hereby shall be approved as of the date of execution of the agreement.

ADOPTED by the Board of Commissioners of Lakehaven Utility District, King County, Washington, at an open public meeting this 26th day of June, 2003.

ATTEST:

 President and Commissioner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Vice President and Commissioner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Secretary and Commissioner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NOT PRESENT

Commissioner

Yea

Nay

Abstain



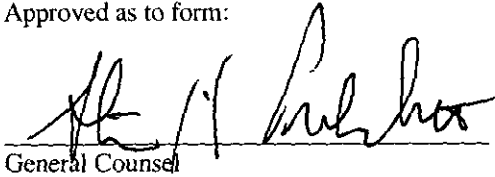
Commissioner

Yea

Nay

Abstain

Approved as to form:


General Counsel

LATECOMER AGREEMENT

THIS AGREEMENT, entered into in duplicate between the LAKEHAVEN UTILITY DISTRICT, a municipal corporation of the State of Washington, hereinafter referred to as the "District", and HARBOUR HOMES, INC., 1010 SOUTH 336TH STREET, SUITE 305, FEDERAL WAY, WASHINGTON 98003, hereinafter referred to as the "Developer":

WITNESSETH:

WHEREAS, the Developer has entered into a Developer Extension Agreement, hereinafter "Agreement", recorded under King County Auditor's File No. 20020812001387, to provide for the construction of certain Water distribution system improvements to serve property owned by Developer, and

WHEREAS, a portion of the improvements constructed thereunder will, as determined by the District, provide benefit to realty described herein which is located adjacent to such improvements, and

WHEREAS, pursuant to District Resolution and state law, the parties are authorized to enter into an agreement under which the District would collect an amount representing a share of the cost of construction of the improvements from the owner of such benefited property, at the time of connection, and remit the same to Developer, and

WHEREAS, the parties agreeing that the terms for such collection and remittance contained herein are fair and equitable;

NOW, THEREFORE, IT IS AGREED as follows:

1. The District hereby agrees to charge the property described on Exhibit "A", attached hereto and by this reference incorporated herein, a proportional share of the cost of the Water mains constructed pursuant to the Agreement. Reimbursement to Developer shall be conditioned upon payment by the Developer of the District's required deposit for administration of this latecomer reimbursement agreement and following the actual provision of service to such property through the facilities constructed therein. Payment to Developer shall be in further conformance with the provisions set forth in District Resolution No. 2002-984, Sections 2.v) and 3.C, as hereinbefore adopted and as may be subsequently modified or amended, and applicable laws of the State of Washington.

2. Developer agrees to comply with and be subject to all terms of Lakehaven Utility District Resolution No. 2002-984, Sections 2.v) and 3.C, as may from time to time be amended, as

LATECOMER AGREEMENT

THIS AGREEMENT, entered into in duplicate between the LAKEHAVEN UTILITY DISTRICT, a municipal corporation of the State of Washington, hereinafter referred to as the "District", and NW SUNRISE DEVELOPMENT, P.O. BOX 2479, GARDNERVILLE, NEVADA 89410, hereinafter referred to as the "Developer":

WITNESSETH:

WHEREAS, the Developer has entered into a Developer Extension Agreement, hereinafter "Agreement", recorded under King County Auditor's File No. 2002081500019, to provide for the construction of certain sanitary sewer improvements to serve property owned by Developer, and

WHEREAS, a portion of the improvements constructed thereunder will, as determined by the District, provide benefit to realty described herein which is located adjacent to such improvements, and

WHEREAS, pursuant to District Resolution and state law, the parties are authorized to enter into an agreement under which the District would collect an amount representing a share of the cost of construction of the improvements from the owner of such benefited property, at the time of connection, and remit the same to Developer, and

WHEREAS, the parties agreeing that the terms for such collection and remittance contained herein are fair and equitable;

NOW, THEREFORE, IT IS AGREED as follows:

1. The District hereby agrees to charge the property described on Exhibit "A", attached hereto and by this reference incorporated herein, a proportional share of the cost of the sanitary sewer mains constructed pursuant to the Agreement. Reimbursement to Developer shall be conditioned upon payment by the Developer of the District's required deposit for administration of this latecomer reimbursement agreement and following the actual provision of service to such property through the facilities constructed therein. ~~Payment to Developer shall be in further conformance with the provisions set forth in District Resolution No. 2002-984, Sections 2.v) and 3.C, as hereinbefore adopted and as may be subsequently modified or amended, and applicable laws of the State of Washington.~~

2. Developer agrees to comply with and be subject to all terms of Lakehaven Utility District Resolution No. 2002-984, Sections 2.v) and 3.C, as may from time to time be amended, as a condition of receiving the latecomer benefits herein.

3. This writing constitutes the full and only agreement between the parties, there being no promises, agreements, or understandings, written or oral, except as herein set forth, or as hereinafter may be amended in writing.

4. It is agreed that the Developer is not an agent of the District under the terms of this Agreement and no act or omission of the Developer shall be deemed an act or omission of the District by virtue of the laws of agency.

WITNESS our hands and seals.

NW SUNRISE DEVELOPMENT

LAKEHAVEN UTILITY DISTRICT
King County, Washington

By Mark S. Funk

[Signature]
Engineering Manager

Its owner

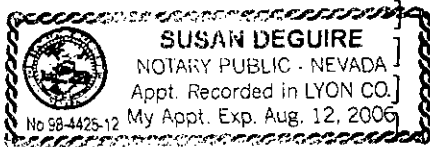
Date: 4/11/03

Dated: Apr. 23, 2003

STATE OF NEVADA)
) ss.
County of CARSON CITY CIVIL)

I certify that I know or have satisfactory evidence that Mark S Funk signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the owner of NW SUNRISE DEVELOPMENT, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 4/11/03



[Signature]

Notary Public
Title

My appointment expires Aug 12, 2006

For recording in the State of Washington, the Notarial Seal must be fully legible and cannot intrude into document margins. Please affix seal in the space provided.