

LAKEHAVEN UTILITY DISTRICT  
King County, Washington

**Resolution No. 2002-975**

A resolution of the Board of Commissioners of the Lakehaven Utility District, King County, Washington, adopting a Substantial Completion policy to establish the requirements for connection of water, and/or sewer facilities constructed under developer extension agreement to the District's water and/or sewer system prior to final completion.

**WHEREAS**, the District periodically executes developer extension agreements with property owners to provide for the construction of water and/or sewer facilities to serve property not previously connected to the public water and/or sewer systems, and

**WHEREAS**, due primarily to weather-related delays in the scheduling of paving within a development, delays in the final adjustment of new sewer and/or water facilities to grade may occur which would defer final acceptance of the developer extension project by the District, and

**WHEREAS**, the deferral of final acceptance of otherwise complete water and/or sewer facilities may delay plat, or other land use, approvals needed by a developer, and

**WHEREAS**, it has been the practice of the District to allow conditional acceptance of developer improvements in such cases where the property owner has provided security for the final adjustment of the facilities and the project is otherwise complete, and

**WHEREAS**, the Board believing that such a practice is in the best interests of the District and wishing to formalize a policy regulating the connection of substantially complete facilities,

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

1. The District hereby adopts provisions for the conditional acceptance of water and/or sewer facilities constructed under developer extension agreement as set forth in the Substantial Completion Policy, attached hereto as Exhibit "A" and by this reference incorporated as if set forth in full herein.
2. This resolution shall be effective on the date of adoption below.
3. The Board reserves the right to cancel, suspend, amend or otherwise modify the Substantial Completion Policy at its discretion.

ADOPTED by the Board of Commissioners of Lakehaven Utility District, King County, Washington, at an open public meeting this 24 day of Sept, 2002.

ATTEST:

Thomas M. Jonsson ✓  
President and Commissioner      Yea      Nay      Abstain

**NOT PRESENT**

\_\_\_\_\_  
Vice President and Commissioner      Yea      Nay      Abstain

Edward G. Stewart ✓  
Secretary and Commissioner      Yea      Nay      Abstain

Beverly J. Tweedle ✓  
Commissioner      Yea      Nay      Abstain

Ronald L. Miller ✓  
Commissioner      Yea      Nay      Abstain

Approved as to form:

A. F. Kurbler  
General Counsel

# LAKEHAVEN UTILITY DISTRICT

<b>DOCUMENT:</b> Substantial Completion Process	<b>NO.</b> 300-15		
<b>SECTION:</b> Engineering	<b>ISSUE DATE:</b>		
<b>SUBSECTION:</b> Development Engineering	<b>REVISION DATE:</b>		
<b>APPROVAL:</b>	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><b>RESOLUTION NO.</b> 2002-975</td> <td style="width: 50%;"><b>PAGE NUMBER</b> 1 of 4</td> </tr> </table>	<b>RESOLUTION NO.</b> 2002-975	<b>PAGE NUMBER</b> 1 of 4
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**1. POLICY**

The District may allow connection for domestic service to water and/or sewer facilities constructed by a developer under terms of a Developer Extension Agreement with the District prior to Final Project Acceptance. When Substantial Completion Status has been achieved, the District will notify the applicable land use authority of such status and inform them that final completion has been guaranteed to the satisfaction of the District.

**2. PURPOSE**

To allow developers to provide a monetary guarantee for final completion of their projects to facilitate plat (or binding site plat) recording and/or domestic service connections prior to Final Project Acceptance. The substantial completion process is typically requested when paving has been delayed due to inclement weather conditions or other circumstances beyond the developers' control.

**3. REFERENCES**

Resolution No. 98-870 (Superseded)  
Form No. LUD 201.D.02 – Development Procedures

**4. DEFINITIONS**

Substantial Completion Status	The point at which construction of water and/or sewer facilities installed by a developer under terms of a Developer Extension Agreement with the District are operational and in material conformance with the construction drawings approved by the District, the Developer Extension Agreement, and other District standards; <u>except</u> that certain appurtenances have not been adjusted to final grade. Sufficient funds posted by the developer to guarantee full completion of the work shall be a condition precedent to the granting of Substantial Completion Status.
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Final Project Acceptance      The point at which construction of water and/or sewer facilities installed by a developer under terms of a Developer Extension Agreement with the District are operational and have met all provisions of the construction drawings approved by the District, the Developer Extension Agreement, and other District standards.

## 5. GUIDELINES

- A. Following installation and satisfactory pressure/leakage testing of water and/or sewer facilities, and satisfactory disinfection (bacteriological) test results for water facilities, Developer may submit a written request to enter into a Substantial Completion Agreement (See Exhibit "A") for a current project.
- B. The District will ensure that all water and/or sewer facilities have been installed and satisfactorily tested and that the project has reached the point of Substantial Completion Status.
- C. Upon confirmation of the status of construction, the District will prepare a listing of surface appurtenances that remain to be adjusted to final grade and assign appropriate monetary values to such list in accordance with the most current version of the District's "Substantial Completion Estimation Table" (See Exhibit "B"). The monetary values shall then be totaled and multiplied by 150%. The product of this calculation, ~~or \$25,000.00, whichever is greater,~~ shall then be the completion guarantee amount for the project. ~~The District will consider appeal of the minimum amount for smaller projects on a case-by-case basis. In no case will an amount under \$10,000.00 be considered.~~ The completion guarantee shall be in the form of a cash deposit with the District or an assignment of funds on the District's approved form. The cash deposit shall not bear interest in favor of the Developer.
- D. The District will then prepare the necessary Substantial Completion Agreement and forward it to the Developer for review and execution. The Substantial Completion Agreement must be executed and returned along with the completion guarantee sum and other closing documentation as required by the Developer Extension Agreement, as follows:
  - Bill(s) of Sale.

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- Maintenance Bond(s).
  
- **Easements.** The on-site easement legal descriptions will need to be verified against the "as-built" locations. The developer's designated engineering firm shall submit these legal descriptions on 8-1/2" X 11" paper, with minimum one-inch (1") clear margins on all sides and otherwise meeting legal recording requirements. The descriptions shall be stamped and signed by a licensed professional land surveyor. The engineering firm shall also provide 8-1/2" X 11" drawings that graphically depict the easements for the facilities. The legal descriptions shall be labeled as Exhibit "A" and the corresponding drawings shall be labeled as Exhibit "B." The District will forward the easement forms to the Developer when the legal descriptions are approved. Alternatively, the District will accept easement dedication on the final plat (or binding site plan) document. Developer will need to submit the proposed final plat (or binding site plan) document for review by the District and said document must comply with District easement requirements. A copy of the **recorded** final plat (or binding site plan) document will be required for Final Project Acceptance. If District-required revisions are not shown on the recorded final plat (or binding site plat) document, the Developer will be required to provide separate easement documents in accordance with the foregoing process, and to secure signatures from any new property owners who may be affected, prior to Final Project Acceptance.
  
- **"As-built" mylar record drawings.** To gain Substantial Completion Status, it is acceptable for these record drawings to be absent of final manhole rim elevations for sewer system work, but final manhole rim elevations shall be provided on new record drawings prior to Final Project Acceptance. The District will accept the first submittal of sewer record drawings on paper media. Preliminary prints of proposed record drawings should be submitted to the District for review against the District's construction observer's/inspector's redline construction drawings. The District will then inform the engineer/surveyor of any discrepancies noted between the redline construction drawings and said proposed record drawings, and/or request submittal of the acceptable record drawings. It is the sole responsibility of the engineer/surveyor to verify such information and certify as to the accuracy of the record drawings submitted.

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- Payment of all outstanding invoices from the District; i.e., the developer's project account must be paid in full, including estimating costs through the one-year maintenance period.
- Where applicable, documentation of satisfactory test results for backflow prevention assemblies on the District's test form (See Exhibit "C"). The District shall then conduct a cross connection control inspection; the results of which will need to be satisfactory to the District.

E. Should the Developer default on the conditions herein and as set forth in the Substantial Completion Agreement, the District shall be authorized to utilize the funds held to guarantee completion to accomplish the necessary work and Developer shall have no further claim on the funds. The District reserves the right to refuse any future requests for Substantial Completion Status from any Developer who has defaulted on prior projects. For purposes of this section, the Developer shall be considered to have defaulted when surface appurtenances have not been adjusted and/or other identified items have not been completed within the time period set forth in the Substantial Completion Agreement. Developer may request a single extension of the expiration date, not to exceed twelve (12) months in duration. The District will consider additional extensions for extenuating circumstances (i.e., final pavement lifts delayed by land use authority requirements).

F. The completion guarantee shall be refunded/released upon Final Project Acceptance.

# EXHIBIT "A"

[PROJECT NAME]  
Agreement No. [NUMBER]

## Agreement for Connection of Water and Sewer Facilities as Substantially Complete

WHEREAS, the District and Developer have entered into a Developer Extension Agreement dated [AGREEMENT EXECUTION DATE], and recorded under Auditor's File No. [NUMBER], providing for the connection of facilities constructed by the Developer to the District's water and sewer systems, and

WHEREAS, the water and sewer facilities to be so connected are substantially complete and suitable for connection under District Resolution allowing for such connection prior to final completion;

NOW, THEREFORE, IT IS AGREED as follows:

1. This Agreement shall modify the Developer Extension Agreement No. [NUMBER], for [PROJECT NAME], only so far as the connection of water and sewer facilities to serve the property as substantially complete are concerned, and the Developer shall be obligated to comply with all provisions in the Developer Extension Agreement regarding the final completion of the facilities to serve the property.

2. The District shall allow connection of the water facilities to said property upon execution of this Agreement and all other documentation necessary for acceptance of the project, completion of a satisfactory purity test, and delivery by Developer of the sum of [COMPLETION GUARANTEE AMOUNT] to the District, which sum shall be deposited in a District account and held to insure the final completion of [LIST OF ITEMS TO BE COMPLETED], as same is needed to fully and finally complete the project in accordance with the Developer Extension Agreement. In the event that the final completion of [LIST OF ITEMS TO BE COMPLETED], are not completed by Developer on or before [COMPLETION DATE], the District shall be authorized to utilize the funds so deposited to accomplish the necessary work and Developer shall have no further claim on the funds.

# EXHIBIT "A"

3. The District shall allow connection of the sewer facilities to said property upon execution of this Agreement and delivery by Developer of the sum of **[COMPLETION GUARANTEE AMOUNT]**, which sum shall be deposited in a District account and held to insure the **[LIST OF ITEMS TO BE COMPLETED]**, as same is needed to fully and finally complete the project in accordance with the Developer Extension Agreement. In the event that the **[LIST OF ITEMS TO BE COMPLETED]** are not completed by Developer on or before **[COMPLETION DATE]**, the District shall be authorized to utilize the funds so deposited to accomplish the necessary work and Developer shall have no further claim on the funds.

4. All other provisions of the Developer Extension Agreement referenced above which are not herein modified shall remain in full force and effect.

**WITNESS** our hands and seals.

**[COMPANY NAME]**

LAKEHAVEN UTILITY DISTRICT  
King County, Washington

By \_\_\_\_\_  
Engineering Manager

Its \_\_\_\_\_

Date: \_\_\_\_\_ Dated: \_\_\_\_\_

**SAMPLE**





# EXHIBIT "B"

## LAKEHAVEN UTILITY DISTRICT

### Substantial Completion Estimation Table

ITEMS TO COMPLETE	COST PER ITEM
Fire Hydrant Adjustment	\$ 350500
Valve Box Adjustment	\$ 100150200
Valve Box Asphalt Protective Pad Installation	\$ 300
Blow-off Assembly Adjustment	\$ 100200
Detector or PRV Vault Adjustment	\$ 500
Air-Vacuum Assembly Adjustment	\$ 300
Meter Setter/Box Adjustment	\$ 150
Manhole Adjustment	\$ 350
Clean-out Adjustment	\$ 200
Pump Station	\$ District Estimate
Generator	\$ District Estimate
Special Features	\$ District Estimate
Right-of-way Repair (Typical Road Crossing Patch)	\$ 850
Unusual Right-of-way Repair (Overlay, etc.)	\$ District Estimate
Final Mylar Record Drawing:	
First Sheet	\$ 3503,000
Each Additional Sheet	\$ 500

The foregoing table values shall be used to estimate the completion guarantee for the Substantial Completion process (refer to Policy No. ~~XXX-XX~~300-15). The monetary values shall then be totaled and multiplied by 150%. The product of this calculation ~~or \$25,000.00, whichever is greater,~~ shall then be the completion guarantee amount for the project. The completion guarantee shall be in the form of a cash deposit with the District or an assignment of funds on the District's approved form. The cash deposit shall not bear interest in favor of the Developer.

# EXHIBIT "C"

## Backflow Assembly Test Report Form



NAME \_\_\_\_\_  
 PROPERTY \_\_\_\_\_  
 CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_  
 ASSEMBLY LOCATION \_\_\_\_\_  
 CROSS-CONNECTION CONTROL FOR? \_\_\_\_\_  
 SIZE \_\_\_\_\_ MAKE \_\_\_\_\_ MODEL \_\_\_\_\_ TYPE \_\_\_\_\_ SN \_\_\_\_\_  
 LINE PRESSURE AT TIME OF TEST? \_\_\_\_\_ PSI NEW?  EXISTING?  REPLACEMENT?

	INITIAL TEST RESULTS		TESTS AFTER REPAIR OR CLEANING
<b>RPBA</b>	PSI DROP ACROSS #1 CHECK VALVE _____ PSID		PSI DROP ACROSS #1 CHECK VALVE _____ PSID
	RELIEF VALVE OPENED _____ PSID		RELIEF VALVE OPENED _____ PSID
	#1 CHECK VALVE CLOSED TIGHT? <input type="checkbox"/>		#1 CHECK VALVE CLOSED TIGHT? <input type="checkbox"/>
	#1 CHECK VALVE LEAKED? <input type="checkbox"/>		#1 CHECK VALVE LEAKED? <input type="checkbox"/>
	#2 CHECK VALVE CLOSED TIGHT? <input type="checkbox"/>		#2 CHECK VALVE CLOSED TIGHT? <input type="checkbox"/>
	#2 CHECK VALVE LEAKED? <input type="checkbox"/>		#2 CHECK VALVE LEAKED? <input type="checkbox"/>
	APPROVED AIR GAP PROVIDED? <input type="checkbox"/>		APPROVED AIR GAP PROVIDED? <input type="checkbox"/>
	RPBA PASSED TEST? Yes <input type="checkbox"/> No <input type="checkbox"/>		RPBA PASSED TEST? Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>DCVA</b>	#1 CHECK VALVE CLOSED TIGHT? _____ PSID		#1 CHECK VALVE CLOSED TIGHT? _____ PSID
	#1 CHECK VALVE LEAKED? <input type="checkbox"/>		#1 CHECK VALVE LEAKED? <input type="checkbox"/>
	#2 CHECK VALVE CLOSED TIGHT? _____ PSID		#2 CHECK VALVE CLOSED TIGHT? _____ PSID
	#2 CHECK VALVE LEAKED? <input type="checkbox"/>		#2 CHECK VALVE LEAKED? <input type="checkbox"/>
	DCVA PASSED TEST? Yes <input type="checkbox"/> No <input type="checkbox"/>		DCVA PASSED TEST? Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>PVBA</b>	AIR INLET OPENED AT _____ PSID		AIR INLET OPENED AT _____ PSID
	AIR INLET FAILED TO OPEN? <input type="checkbox"/>		AIR INLET FAILED TO OPEN? <input type="checkbox"/>
	CHECK VALVE HELD TIGHT AT _____ PSID		CHECK VALVE HELD TIGHT AT _____ PSID
	CHECK VALVE LEAKED? <input type="checkbox"/>		CHECK VALVE LEAKED? <input type="checkbox"/>
	PVBA PASSED TEST? Yes <input type="checkbox"/> No <input type="checkbox"/>		PVBA PASSED TEST? Yes <input type="checkbox"/> No <input type="checkbox"/>

APPROVED ASSEMBLY?  PROPER INSTALLATION?  INSPECTED BY CCS?

REMARKS \_\_\_\_\_

TEST COMPANY \_\_\_\_\_ PHONE \_\_\_\_\_

TEST KIT MAKE \_\_\_\_\_ MODEL \_\_\_\_\_ SN \_\_\_\_\_ CALIBRATION DATE \_\_\_\_\_

*I certify that I used WAC 246-290-490 approved Test Methods and Differential Pressure Test Equipment*

TESTER'S NAME (PRINTED) \_\_\_\_\_ CERTIFICATION # \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE TESTED \_\_\_\_\_

REPAIRED BY \_\_\_\_\_ REPAIR DATE \_\_\_\_\_

RETESTED BY \_\_\_\_\_ CERT # \_\_\_\_\_ DATE TESTED \_\_\_\_\_