

LAKEHAVEN UTILITY DISTRICT

King County, Washington

Resolution No. 2005-1038

A RESOLUTION of the Board of Commissioners of the Lakehaven Utility District, King County, Washington, approving an amendment to the sanitary sewer service boundary with the City of Auburn, authorizing the General Manager to execute an agreement reflecting such amendment on behalf of the District and amending District Resolution No. 2004-1006.

WHEREAS, the District is authorized under state law to provide water and sanitary sewer service pursuant to adopted comprehensive plans, and

WHEREAS, under authority of existing regulatory requirements, the District and the City of Auburn have determined to establish, by interlocal agreement, service area boundaries between their respective water and sewer systems, and

WHEREAS, since the adoption of the sewer service area boundary, Auburn and the District have concluded that certain territory within the area designated for sewer service by the District would be better served by Auburn, and

WHEREAS, Auburn and the District have discussed terms for an agreement which would transfer the service jurisdiction for such area to Auburn, and

WHEREAS, the Board believing the transfer of service jurisdiction to be in the best interests of the District

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

1. The District hereby approves an amendment to the "Interlocal Agreement Establishing Sanitary Sewer Service Boundaries" with the City of Auburn to provide that the area referenced in Exhibit "A" shall hereinafter be included within the service area jurisdiction of the City of Auburn.
2. The General Manager is hereby directed to execute an agreement with Auburn to provide for such transfer.
3. Resolution No. 2004-1006 is hereby amended in part to reflect the transfer of service jurisdiction herein.
4. This Resolution shall be effective on the date of adoption below.

ADOPTED by the Board of Commissioners of Lakehaven Utility District, King County, Washington, at an open public meeting this 10th day of March, 2005.

ATTEST:

Edward G. Stewart
President and Commissioner Yea Nay Abstain

Beverly J. Tweddle
Vice President and Commissioner Yea Nay Abstain

Donald R. Miller
Secretary and Commissioner Yea Nay Abstain

[Signature]
Commissioner Yea Nay Abstain

Thomas M. Jaramonch
Commissioner Yea Nay Abstain

Approved as to form: [Signature]
General Counsel

AMENDMENT NO. 1
TO THE LAKEHAVEN UTILITY DISTRICT AND CITY OF AUBURN
INTERLOCAL AGREEMENT ESTABLISHING
SANITARY SEWER SERVICE BOUNDARIES

THIS AGREEMENT, made and entered into this 22nd day of February, 2005, by and between **LAKEHAVEN UTILITY DISTRICT**, a Washington municipal corporation (hereinafter referred to as "Lakehaven"), and the **CITY OF AUBURN**, a Washington municipal corporation, (hereinafter referred to as "Auburn"), both being duly organized and existing under and by virtue of the laws of the State of Washington, as an amendment to the Interlocal Agreement dated February 2, 2004, between the parties and executed on the 8th day of January, 2004, and the 20th day of January, 2004, respectively (hereinafter referred to as "Original Agreement").

WITNESSETH:

WHEREAS, in January 2004 the Commissioners of the Lakehaven Utility District adopted Resolution No. 2004-1006 authorizing the General Manager to execute an interlocal agreement with Auburn, which agreement was subsequently signed by the City of Auburn as authorized under Auburn Resolution No. 3651; and

WHEREAS, the parties recognize the responsibility of public sanitary sewer utilities to provide efficient and reliable service to their customers at reasonable cost; and

WHEREAS, a single family residential development (hereinafter referred to as "Jovita Heights-West Hill") has been proposed that lies within the distinct Sanitary Sewer Service Areas of both Auburn and Lakehaven as established and described in the Original Agreement; and

WHEREAS, portions of the Auburn sanitary sewer system have been sized with sufficient wastewater conveyance capacity and are situated so as to be capable of affording sewer service to those portions of Jovita Heights-West Hill that lie within both the Auburn Sanitary Sewer Service Area and the Lakehaven Sanitary Sewer Service Area; and

WHEREAS, portions of the Lakehaven sanitary sewer system have been sized with sufficient wastewater conveyance capacity and are situated so as to be capable of affording sewer service to those portions of Jovita Heights-West Hill that lie within both the Lakehaven Sanitary Sewer Service Area and the Auburn Sanitary Sewer Service Area; and

WHEREAS, the developer of Jovita Heights-West Hill has requested that Auburn provide sanitary sewer service to the entire development to afford maximum efficiency in its use of existing and future facilities; and

WHEREAS, Auburn has evaluated sanitary sewer service issues relative to the developer's request and determined that it is feasible for Auburn to provide sanitary sewer service to the entire development; and

WHEREAS, Lakehaven has evaluated the request and determined that, conditioned on mitigation of the impacts incident thereto, Lakehaven can transfer to Auburn that portion of its Sanitary Sewer Service Area that lies within Jovita Heights-West Hill so that Auburn can provide sanitary sewer service to the entire development.

NOW, THEREFORE in consideration of their mutual covenants, conditions, and promises, **IT IS HEREBY AGREED** by and between the parties hereto as follows:

ITEM ONE REVISION TO ATTACHMENT 1 OF THE ORIGINAL AGREEMENT,
Page 2 of 2:

Attachment 1 of the Original Agreement is a graphical representation of the sanitary sewer service area boundary between Auburn and Lakehaven as established in the Original Agreement. Page Two of Attachment 1, as such Attachment 1 is attached hereto and by this reference incorporated herein, revises the sanitary sewer service area shown in the Original Agreement to reflect the transfer to Auburn of certain sanitary sewer service areas originally granted to Lakehaven; more specifically, those parcels located within the City of Auburn, east of 56th Avenue South between South 336th Street and South 344th Street, together with those parcels located outside the City of Auburn, east of 55th Avenue South between South 340th Street and South 348th Street.

ITEM TWO REVISION TO ATTACHMENT 2 OF THE ORIGINAL AGREEMENT:

The legal description for the sanitary sewer service area boundary is revised to reflect the service area modification described in Item One of this Amendment. Attachment 2 is attached hereto as the legal description of the revised sanitary sewer service area boundary and by this reference is incorporated herein.

ITEM THREE REVISION TO SECTION 1: Sewer Service Area.

Section One of the Original Agreement, entitled "Sewer Service Area," is hereby amended to hereinafter read as follows:

The parties have agreed to a mutual sewer service planning boundary as depicted on the maps attached hereto as Attachment 1 and as legally described in Attachment 2, which are by this reference each incorporated herein. Both parties further agree that, through this designation of the sanitary sewer service boundary, Lakehaven shall provide sanitary sewer service to properties mutually within its revised sanitary sewer service area and Auburn's PAA, also depicted on Attachment 1, while Auburn shall provide sanitary sewer service to properties located within its revised sanitary sewer service area, including portions of Lakehaven's corporate boundary, in accordance with and subject to the terms and conditions of this Agreement.

ITEM FOUR REMAINING TERMS UNCHANGED:

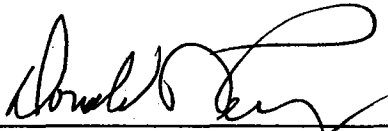
That all other provisions of the Original Agreement not herein amended shall remain in full force and effect.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the day and year first below written.

LAKEHAVEN UTILITY DISTRICT

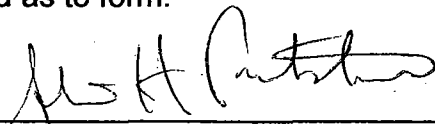
Approved by Resolution No. 2005-1038 of the Lakehaven Utility District, Federal Way, Washington, at its regular meeting held on the 10th day of March, 2005.

By:



DONALD T. PERRY, GENERAL MANAGER
Lakehaven Utility District

Approved as to form:

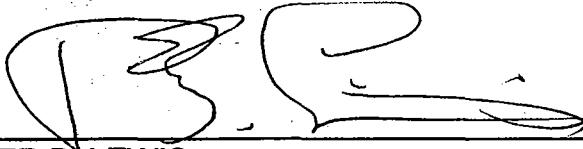


STEVEN H. PRITCHETT, GENERAL COUNSEL
Lakehaven Utility District

CITY OF AUBURN

Approved by Resolution No. 3824 of the City of Auburn, Washington, at its regular meeting held on the 22nd day of February, 2005.

By:



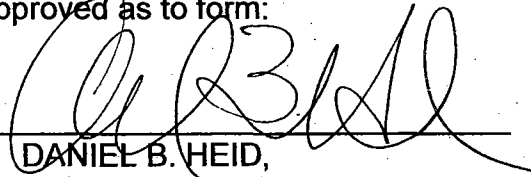
PETER B. LEWIS,
Mayor, City of Auburn

Attest:

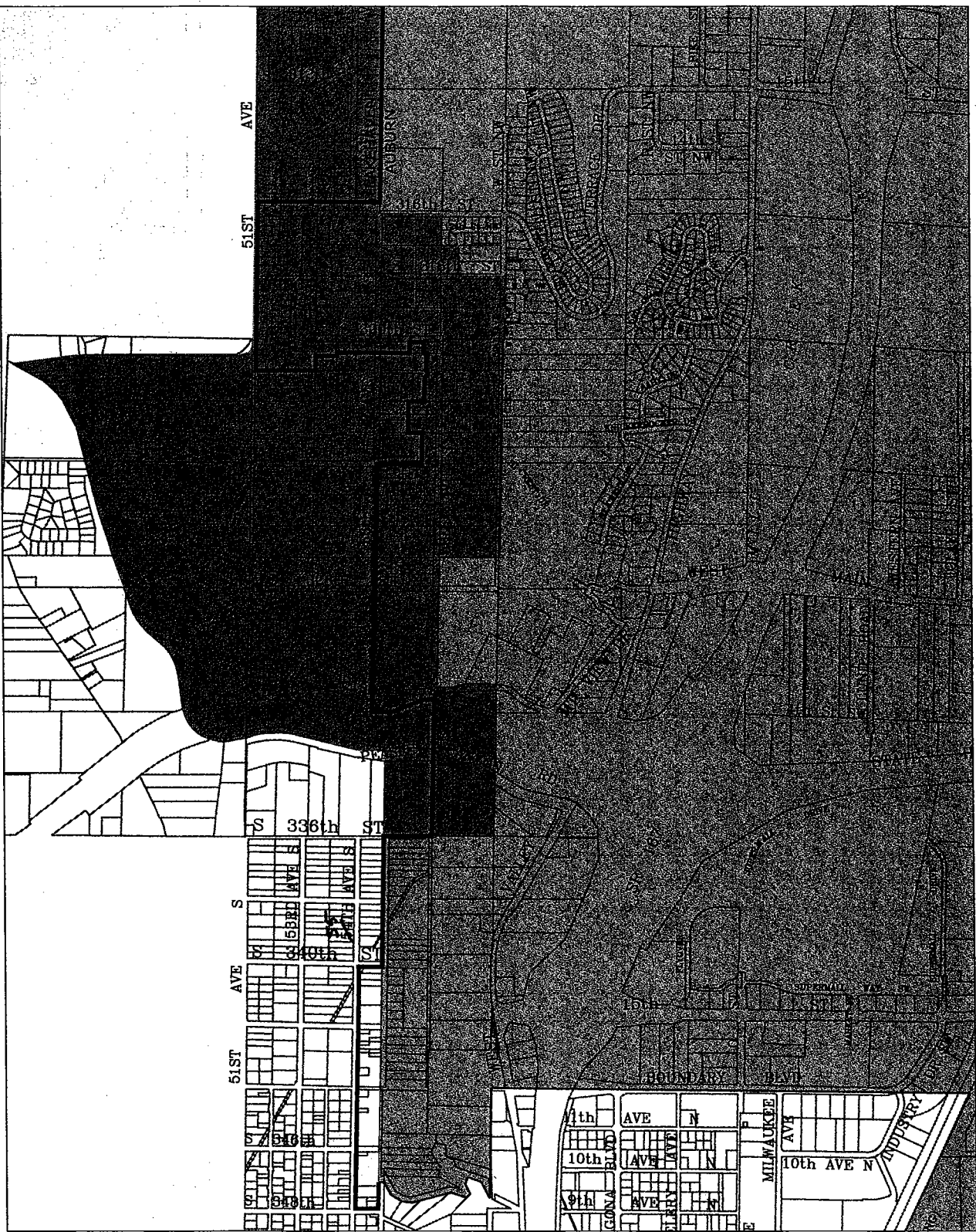


DANIELLE DASKAM,
City Clerk, City of Auburn




Approved as to form:



DANIEL B. HEID,
City Attorney, City of Auburn



LEGEND

-  AUBURN CITY LIMITS
-  AUBURN PAA
-  PROPOSED SEWER SERVICE BOUNDARY



SCALE: 1" = 1500'

(REVISED) ATTACHMENT 1

LAKEHAVEN - AUBURN INTERLOCAL AGREEMENT ESTABLISHING SANITARY SEWER SERVICE BOUNDARIES

PLEASE INITIAL IF APPROVED

Jan 2005

Note: Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped.

LAKEHAVEN

JSR
AUBURN

PAGE 3/2

Attachment 2
(REVISED)

**LAKEHAVEN UTILITY DISTRICT and CITY OF AUBURN
INTERLOCAL AGREEMENT ESTABLISHING
SANITARY SEWER SERVICE BOUNDARIES**

BOUNDARY DESCRIPTION

BEGINNING at a point 170 feet east of the Northwest corner of the Southeast quarter of the Southwest quarter of Section 35, Township 22 North, Range 4 East, W.M., in King County, Washington;

THENCE south 662.54 feet, more or less, to the North line of the South half of said subdivision;

THENCE easterly along said North line to a point 300 feet west of the East line of said subdivision;

THENCE south to a point 170 feet north of the South line of said subdivision;

THENCE east 300 feet, more or less, to the East line of said subdivision;

THENCE southerly along said East line to the South line of said Section 35;

THENCE continuing southerly along the West line of the Northeast quarter of Section 2, Township 21 North, Range 4 East, W.M., in King County, Washington, a distance of 221.12 feet;

THENCE easterly, parallel with the North line of said subdivision, 220.20 feet;

THENCE southerly, parallel with the West line of said subdivision, 130 feet;

THENCE easterly, parallel with the North line of said subdivision, 1,304.44 feet;

THENCE southerly, parallel with the West line of said subdivision, 494 feet;

THENCE easterly, parallel with the North line of said subdivision, 680.8 feet;

THENCE southerly, parallel with the West line of said subdivision, 100 feet;

THENCE easterly, parallel with the North line of said subdivision, 428 feet, more or less, to the East line of said subdivision;

THENCE southerly, along said East line to the Northeast corner of the South half of the South half of the Northeast quarter of the Southeast quarter of said Section 2;

THENCE westerly, along the North line of said subdivision, 518.77 feet;

THENCE southerly, parallel with the East line of said subdivision, 328.01 feet;

THENCE westerly, along the South line of said subdivision, 130.02 feet, more or less to the Northeast corner of the West half of the Southeast quarter of the Southeast quarter of said Section 2;

THENCE southerly, along the East line of said subdivision, 964.41 feet;

THENCE westerly, parallel with the North line of said subdivision, 650 feet, more or less, to the East line of the Southwest quarter of the Southeast quarter of said Section 2;

THENCE southerly, along said East line, 328.77 feet, more or less, to the South line of said subdivision;

THENCE westerly, along said South line, to the centerline of 56th Avenue South;

THENCE southerly, along said centerline of 56th Avenue South, to the centerline of South 305th Street in Section 11, Township 21 North, Range 4 East, W.M., in King County, Washington;

THENCE westerly, along said centerline of South 305th Street, to a point of intersection with the northerly projection of the West line of Lot 2, Block 5, Auburn Heights Park Division No. 2, according to the plat thereof recorded in Volume 49, Page 99, records of King County, Washington;

THENCE southerly, 320 feet, more or less, parallel with said West line of Lot 2, to the South line of Lot 4, Block 5, of said plat;

THENCE easterly, along said South line of Lot 4, to the Northwest corner of Lot 5, Block 5 of said plat;

THENCE southerly and southeasterly, along the West lines of Lots 5 and 9, of said plat, to the Northeast corner of Block 7, Auburn Heights Park Division No. 1, according to the plat thereof recorded in Volume 49 of Plats, Page 56, records of King County, Washington;

THENCE southerly, along the East line of Block 7 of said plat, to the Southeast corner of Lot 2, Block 7, of said plat;

THENCE westerly, parallel with the South line of said plat, along the north lines of Lot 19 and Lot 1, Block 6, Lot 15 and Lot 1, Block 5, and Lot 26, Block 4, of said plat, to the centerline of 51st Avenue South;

THENCE southerly, along said centerline of 51st Avenue South, to the Southwest corner of said Section 11;

THENCE continue southerly, along the West line of Section 14, Township 21 North, Range 4 East, W.M., in King County, Washington, 329.57 feet;

THENCE east 30 feet to the Southwest corner of Lot 15, Peasley Ridge, according to the plat thereof recorded in Volume 201, Pages 66-71, records of King County, Washington;

THENCE continue easterly, along the South line of said plat, to the Southeast corner of Tract D Peasley Ridge;

THENCE northerly, along the East line of said Tract D, 150 feet, more or less, to the Northwest corner of Lot 2, King County Short Plat No. 1080026R, as recorded under Recording No. 8106080708, records of King County, Washington;

THENCE easterly, along the North line of said Lot 2, to the West line of Lot 1, King County Short Plat No. 1080027, as recorded under Recording No. 8106080709, records of King County, Washington;

THENCE northerly, along the West line of said Lot 1, to the Northwest corner thereof;

THENCE easterly, along the North lines of Lots 1, 2 and 4, of said short plat, to the Northeast corner of said Lot 4;

THENCE East 60 feet to the West line of Lot 19, West Auburn Five-Acre Tracts, according to the plat thereof recorded in Volume 15, Page 12, records of King County, Washington;

THENCE southerly, along the West line of said Lot 19, 9.43 feet;

THENCE easterly, parallel with the North line of said Lot 19, 294.8 feet;

THENCE northerly, parallel with the West line of said Lot 19, 119.43 feet, more or less, to the South margin of South 320th Street;

THENCE easterly, along said south margin of South 320th Street, 150 feet;

THENCE southerly, parallel with the West line of said Lot 19, 119.43 feet;

THENCE easterly, parallel with the North line of said Lot 19, 9.59 feet;

THENCE southerly, parallel with the West line of said Lot 19, 5 feet;

THENCE easterly, parallel with the North line of said Lot 19, 13.53 feet;

THENCE southerly, parallel with the West line of said Lot 19, 178.866 feet, more or less, to the most Northwesterly corner of Lot 4, King County Short Plat No. 278048, as recorded under Recording No. 8004030782, records of King County, Washington;

THENCE southerly, along the West line of said Lot 4, to the Southwest corner thereof and the North line of Lot 2, King County Short Plat No. 1077053, as recorded under Recording No. 7808100856;

THENCE westerly, along the North line of said Lot 2, to the Northwest corner thereof;

THENCE southerly, along the West lines of Lot 2 and Lot 4 of said short plat, to the North line of Lot 30, West Auburn Five-Acre Tracts, according to the plat thereof recorded in Volume 15, Page 12, records of King County, Washington;

THENCE easterly, along the North line of said Lot 30, 147.35 feet;

THENCE southerly, parallel with the East line of said Lot 30, to the centerline of South 324th Street;

THENCE westerly, along said centerline of South 324th Street, to the centerline of 56th Avenue South;

THENCE southerly, along said centerline of 56th Avenue South, to the North margin of State Highway No. 18;

THENCE easterly, along said North margin of State Highway No. 18, to the southerly projection of the centerline of 58th Avenue South;

THENCE southerly, along said centerline of 58th Avenue South, to the North margin of South 336th Street;

THENCE westerly, along said North margin of South 336th Street to the West margin of 56th Avenue South;

THENCE southerly, along said West margin of 56th Avenue South to the North margin of South 340th Street;

THENCE westerly, along said North margin of South 340th Street to the West margin of 55th Avenue South;

THENCE southerly, along said West margin of 55th Avenue South to the South margin of South 348th Street;

THENCE easterly, along said South margin of South 348th Street to the East margin of 56th Avenue South;

THENCE northerly, along said East margin of 56th Avenue South, to the easterly projection of the South line of Lot 24, Block 27, Jovita Heights, according to the plat thereof recorded in Volume 20 of Plats, Page 12, records of King County, Washington, and the terminus of this boundary description.