

LAKEHAVEN UTILITY DISTRICT
King County, Washington

Resolution No. 2006-1076

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

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

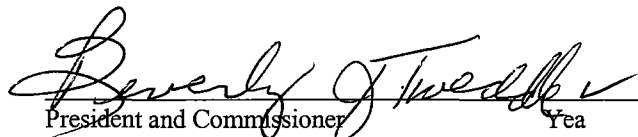

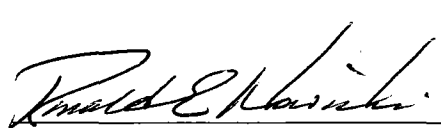
WHEREAS, the Board desiring to approve of such an agreement and the latecomer reimbursement area designation established therein,

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

1. The latecomer agreement and the latecomer reimbursement area designation as described in Exhibit "A" is hereby approved.
2. This resolution shall be effective on the date of adoption below and the agreement and latecomer area designation 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 11th day of November 2006.

ATTEST:

 _____ President and Commissioner	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain
 _____ Vice President and Commissioner	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain
 _____ Secretary and Commissioner	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain

Edward G. Stewart

Commissioner

Yea

Nay

Abstain

Charles A. Giblin

Commissioner

Yea

Nay

Abstain

Approved as to form:

W. H. H. H.

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 **DEVONSHIRE PARK, L.L.C.**, 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. 20031022001062, to provide for the construction of certain sanitary sewer 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 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. 2005-1056, 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. 2005-1056, 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.

EXHIBIT "A"

Lot 12, Block 1 and Lot 15, Block 27, L'Origan Manor, as recorded in Volume 45 of Plats, page 33 and 34, records of King County, Washington.

(Tax Parcel No. 440560-0060 and 440560-0135)