

LAKEHAVEN UTILITY DISTRICT
King County, Washington

Resolution No. 2016-1275

A RESOLUTION of the Board of Commissioners of Lakehaven Utility District, King County, Washington providing for system facilities oversizing and superseding Section Two (2) of Federal Way Water and Sewer District Resolution No. 86-070.

WHEREAS, to facilitate the orderly and efficient development of the water distribution and sanitary sewer collection systems, the District may request that a developer construct water distribution and/or sanitary sewer collection systems larger than that required to serve the developer's property, hereinafter referred to as "over-sizing", and

WHEREAS, to facilitate the orderly and efficient development of the water distribution and sanitary sewer collection systems of the District, the District may request that a developer construct water distribution and/or sanitary sewer collection systems of a length greater than required to serve the developer's property, hereinafter referred to as "over-lengthening", and

WHEREAS, in cases of over-sizing and/or over-lengthening the District may determine to reimburse some or all of the additional cost associated with such over-sizing and/or over-lengthening, and

WHEREAS, the Board believing that the rules for over-sizing and/or over-lengthening of facilities, and the reimbursements for the cost thereof, set forth herein to be fair to developers and beneficial to the District,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Upon adoption of this Resolution, Section 2 of Resolution 86-070 shall be superseded and the requirements for the reimbursement of over-sizing and over-lengthening costs established hereunder shall be applicable. All other sections of said Resolution 86-070 shall remain in full force and effect.
2. Whenever a portion of the District's comprehensive system plan for the water and/or sewer systems is constructed pursuant to developer extension agreement, and such portion of the comprehensive system plan describes, or the systems are otherwise determined to require, water and/or sewer system facilities larger, and/or longer, than those identified by the District as necessary to serve the property, the District may require the construction of such larger and/or longer facilities and determine to reimburse the owner/developer, the actual difference in cost of construction between the facilities necessary to serve the property and the over-sized and/or over-lengthened water and/or sewer facilities required, under the following criteria:

- A. Competitive bid for cost-shared work shall be made, as required by the District, to comply with applicable laws governing the construction of public improvements.
 - B. Contract for construction shall provide sufficient detail so that cost of over-sizing and/or over-lengthening can be ascertained with reasonable precision.
 - C. Unless the District determines that larger facilities are required to serve the property, over- sized facilities shall be defined as:
 - i. Water or gravity sewer main larger than eight-inch (8") diameter; or
 - ii. Low-pressure sewer (LPS) main larger than five-inch (5") diameter.
 - D. Over-lengthening shall not include extension of existing facilities to the property to be served and contribution to the cost of such shall be governed by the rules for "latecomers" established by state law and District policy.
 - E. Maximum District participation and reimbursement for water and/or sewer over-sizing and/or over-lengthening shall be \$50,000.00.
 - F. The District may determine, at its sole discretion, that over-sized and/or over-lengthened facilities shall be reimbursed by latecomer contribution rather than District reimbursement.
3. District staff shall implement these requirements for over-sizing and/or over-lengthening on developer extension projects deemed eligible for District contribution. Board approval shall be required for contributions that exceed staff authority for approving public works contracts and purchases.
4. The Board reserves the authority to modify the requirements for over-sizing and/or over-lengthening as it shall determine and no private right of contribution shall attach to the terms herein.
5. 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 8th day of September, 2016.

ATTEST:



 President and Commissioner

 Yea

 Nay

 Abstain



 Vice President and Commissioner

 Yea

 Nay

 Abstain

W. McLean
Secretary and Commissioner

✓
Yea

Nay

Abstain

Donald L. Miller
Commissioner

✓
Yea

Nay

Abstain

Patricia Kelly
Commissioner

✓
Yea

Nay

Abstain

Approved as to form:

Robert H. Lutz
General Counsel