

RESOLUTION NO. 2257-17

A RESOLUTION OF THE COMMISSION OF PUBLIC UTILITY DISTRICT NO. 1 OF
SKAGIT COUNTY, WASHINGTON, AUTHORIZING CONDITIONAL ACCEPTANCE OF
CERTAIN IMPROVEMENTS WITHIN THE PLAT OF SARATOGA PASSAGE

WHEREAS, Public Utility District No. 1 of Skagit County (“District”), is a purveyor of public water for the residents of Skagit County, Washington;

WHEREAS, the District operates its utility under a franchise agreement within the Skagit County rights of way and within its own easements;

WHEREAS, the District allows developers to extend the District’s water system to provide service to new customers within lands that will eventually become dedicated County rights of way or District easements;

WHEREAS, Vic Benson executed a Developer’s Agreement to extend the District’s water system to the parcels of land collectively known as PLAT OF SARATOGA PASSAGE VIEW C.A.R.D. PL 06-0107 (recorded per Auditor’s File No.: 200906100089) (the “Plat”) in accordance with District design and engineering standards for the pumping, storage and distribution of potable water for domestic consumption and fire suppression uses;

WHEREAS, the District conditioned final project approval and recommendation for acceptance on, among other things, completion of punch list work provided to the developer on November 11, 2010;

WHEREAS, after the developer recorded the Plat with the County, which in part dedicated certain public rights of way and public utility easements within the Plat, the developer ceased construction of the water system improvements prior to District’s formal acceptance;

WHEREAS, Columbia State Bank, Padilla Financial LLC, Mountain Pacific Bank, and Padilla Bay LLC (collectively the “Participants”) are now the owners and have entered into a Water System Completion Agreement with the District for the purpose of completing the water system improvements within the Plat;

WHEREAS, the beneficial outcome of the Water System Completion Agreement to the District is extension of its service and clear title to the system improvements; and

WHEREAS, the Participants agree to indemnify, defend and hold the District harmless for any and all claims or potential liability to anyone claiming an ownership or other interest in the property and against any claims or actions whatsoever for the District’s conditional acceptance of the project.

NOW, THEREFORE, BE IT RESOLVED that the Commission of Public Utility District No. 1 of Skagit County authorizes the General Manager to provide the Participants a temporary easement over certain easement rights conveyed to the District within the County Rights of Way and other easements as shown on the Plat, together with water system improvements related thereto, as described in the attached Easement (Exhibit I) granting the Participants rights over and across, along, in and under to repair and construct certain water system improvements, which Participants will relinquish back to the District upon termination of the Water System Completion Agreement or project acceptance;

BE IT FURTHER RESOLVED that in accordance with the Plat, dated June 10, 2009, the District conditionally accepts the water system improvements as they existed on November 11, 2010, effective as of that date, conditioned on the Participants completion of work items listed in the November 11, 2010 punch list (Exhibit II), as they exist today, conditioned on bringing the improvements up to current District standards, and conditioned on fulfilling the terms of the Water System Completion Agreement (Exhibit III); and

BE IT FURTHER RESOLVED that conditional acceptance shall expire within 365 calendar days of the dated adoption of this resolution or final acceptance by the District Commission whichever comes first.

ADOPTED by the Commission of Public Utility District No. 1 of Skagit County,
Washington, at a regular meeting held this 12th day of December, 2017.

Robbie Robertson, President

Eron Berg, Vice President

ATTEST:

Al Littlefield, Secretary