

EAST WENATCHEE WATER DISTRICT

DOUGLAS COUNTY, WASHINGTON

RESOLUTION NO. 360

A RESOLUTION of the East Wenatchee Water District, Douglas County, Washington, authorizing an extension agreement with Fancher Heights Associates and accepting certain water system improvements.

WHEREAS, East Wenatchee Water District, Douglas County, Washington, a municipal corporation of the State of Washington ("District"), owns and operates a water system serving the domestic needs of its customers; and

WHEREAS, Fancher Heights Associates, a general partnership under the laws of the State of Washington ("Fancher Associates"), is developing certain real property located within the District for residential building lots; and

WHEREAS, Fancher Associates has been required as a condition of plat approval ^{BOOK G, PAGES 62, 63, 64 & 65} _{Fancher Phase I} to obtain approval of connection to the District system, and to mitigate system impacts pursuant to the State Environmental Policy Act, chapter 43.21C RCW; and

WHEREAS, by Modified Correction Deed, Recording No. 245333 at Volume M222, Page 288, records of Douglas County, Washington, the District is to perform and maintain certain conditions, as provided for in the Fancher Field Extension

Agreement ("Agreement") which includes the entry into the Agreement with the Fancher Associates; and

WHEREAS, Fancher Associates has agreed to oversize the system improvements for the benefit of the District; and

WHEREAS, the District is prepared to purchase for \$150,000 a one million gallon reservoir ("Reservoir") to be constructed by Fancher Associates for the benefit of the District, pursuant to the Agreement, and in satisfaction of conditions identified in the Modified Correction Deed; and

WHEREAS, District legal counsel has reviewed this matter with the Office of the Attorney General, and

WHEREAS, the Agreement between the District and Fancher Associates has been prepared for review and approval by the District; NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF EAST WENATCHEE WATER DISTRICT, DOUGLAS COUNTY, WASHINGTON, as follows:

Section 1. Extension Agreement Authorized.

The President of the Board of Commissioners of the District be and he is hereby authorized and directed to execute and deliver the Agreement between the District and Fancher Heights Associates, substantially in the form attached hereto and incorporated herein as Exhibit "A", the Agreement is found to be in the best interests of the District, its ratepayers and the public, and is hereby approved.

Section 2. Acceptance of Extension Improvements.

Those improvements to the District system identified in the Agreement will be accepted by the District, upon the satisfactory completion of the improvements in accordance with the terms and conditions of the Agreement, subject to all applicable warranties and guarantees, and free of all encumbrances and liens.

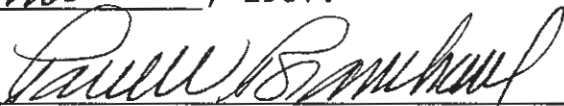
Section 3. Ratification and Confirmation.

Any acts prior to and consistent with the authority granted herein are hereby ratified and confirmed.


Section 4. Severability.

In the event that any term, condition or provision of this Resolution or the Agreement that is Exhibit "A" is declared by court of competent jurisdiction to be void or unenforceable, the remaining terms, conditions and provisions of this Resolution and the Agreement shall remain valid and enforceable, as if such void or unenforceable term, condition or provision were omitted from the Resolution and the Agreement when the Resolution was first enacted.

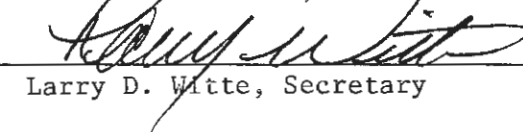
ADOPTED at a regular open public meeting this 23rd day of November, 1987.



Paul W. Blanchard, President



Matthew S. Warner, Vice President



Larry D. Witte, Secretary

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