RESOLUTION NO. 2439

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZATION AN INTERLOCAL AGREEMENT AMONG THE CITIES OF AUBURN AND BONNEY LAKE FOR REVISION OF WATER DISTRICT BOUNDARIES

THIS INTERLOCAL AGREEMENT is made and entered into, pursuant to the Interlocal Cooperation Act, Chapter 39.34 of the Revised Code of Washington, on the 10th day of March, 2015, by and among the CITY OF AUBURN (“COA”) and the CITY OF BONNEY LAKE, municipal corporations of the State of Washington (collectively, the “Cities”).

RECITALS:

1. WHEREAS, the Cities each own and operate public water systems pursuant to Chapter 70.119 RCW, and are purveyors of potable water provide water services within the boundaries of the Cities’ respective water service areas; and,

2. WHEREAS, the City of Auburn is presently revising and updating its six-year comprehensive water plan, as required by the state Department of Health pursuant to RCW 70.116 and WAC 246-290-100; and

3. WHEREAS, the Cities’ respective water services areas adjoin and abut one another in the “Lakeland Hills South” area of Pierce County, where the Cities’ water service areas are demarcated by an border or boundary line identified and described in service area agreement dated December 10, 1998 (approved by and appended to COA Res. No. 3018) (“Service Area Agreement”); and

4. WHEREAS, Cities’ respective water rights and obligations had been the subject of litigation which was resolved amicably pursuant to settlement agreement between the Cities dated March 5, 1998 (approved by and appended to COA Res. No. 2925) (the “March 1998 Settlement Agreement”), the terms and conditions of which continue to apply to the Cities and shall be interpreted consistently with the change in boundary lines agreed upon herein; and

5. WHEREAS, on February 14, 2005, the Cities executed an addendum to the March 1998 Settlement Agreement, to revise the boundary relating to one tax parcel, which does not otherwise affect the March 1998 Settlement Agreement; and

6. WHEREAS, the Cities mutually desire to revise and adjust the border line separating their respective water service areas, presently described in Service Area Agreement, as amended by the February 14, 2005 addendum to the March 1998 Settlement Agreement.

NOW THEREFORE in consideration of their mutual covenants, conditions and promises, THE CITIES DO HEREBY AGREE as follows:

1. The boundary line between and separating the Cities’ respective water service areas,
previously established and described in Service Area Agreement, as amended by the
February 14, 2005 addendum to the March 1998 Settlement Agreement, is hereby revised
and adjusted pursuant to the legal descriptions and surveyor’s map attached hereto as Exhibit
“A” and Exhibit “B”, respectively; and

2. This revision of water service area boundary lines shall be effective immediately.

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

CITY OF AUBURN

Nancy Backus, Mayor

Authenticated:

City Clerk

Approved as to Form:

Daniel B. Heid, City Attorney

CITY OF BONNEY LAKE

Neil Johnson, Mayor

Authenticated:

City Clerk

Approved as to Form:

Kathleen Haggard, City Attorney
Exhibit "A"

Legal Description for Water Service Area

Legal description for the updated Auburn/Bonney Lake Water Service Areas of Section 6, Township 20 North, Range 5 East, W.M., in Pierce County, Washington to supersede and replace the description contained in Service Area Agreement dated December 10, 1998 (City of Auburn Resolution 3018):

A Line described as the border between the City of Auburn and Bonney Lake Water Service Areas more fully described as follows (using basis of bearings of Record of Survey recorded under Auditor's File Number 200102265002 and plat of Verona recorded under Auditor's File Number 200310145002 records of Pierce County):

Beginning at the South Quarter Corner of said Section 6, thence N 11°23'51" E a distance of 706.18 feet to the south line of Lot 4 of City of Auburn Short Plat SPL01-0007 recorded under Auditor's File Number 200211145001 records of said county;

Thence S 71°21'43" E along said south line a distance of 290.27 feet to the beginning of a curve to the left having a radius of 1940.00 feet;

Thence southeasterly 284.29 feet along said curve through a central angle of 08°23'46";

Thence S 83°10'43" E along said south line a distance of 73.72 feet to the beginning of a curve to the left having a radius of 1937.00 feet;

Thence easterly 463.31 feet along said curve feet through a central angle of 13°42'17" to the most southeasterly corner of said Lot 4;

Thence N 20°03'29" W along the east line of said Lot 4 a distance of 26.26 feet to the most southerly corner of Lot 62 of the plat of Verona recorded under Auditor's File Number 200310145002, records of said county;

Thence northwesterly and northerly along the southwesterly line of said plat of Verona the following courses and distances:

- N 81°07'30" W a distance of 359.40 feet;
- N 69°56'06" W a distance of 202.35 feet;
- N 67°01'04" W a distance of 214.84 feet;
- N 54°28'29" W a distance of 68.34 feet;
- N 06°34'57" E a distance of 144.08 feet;
- N 00°41'55" E a distance of 125.75 feet;
- N 27°10'17" W a distance of 85.46 feet;
- N 37°27'03" W a distance of 91.12 feet;
- N 52°37'34" W a distance of 191.60 feet;
- N 61°56'46" W a distance of 51.06 feet;
- N 77°45'32" W a distance of 89.47 feet;
- S 87°24'50" W a distance of 96.39 feet;
S 75°52'22" W a distance of 123.67 feet;
S 66°03'17" W a distance of 126.14 feet;
N 70°27'52" W a distance of 122.25 feet;
N 35°32'56" W a distance of 149.01 feet;
N 14°48'47" W a distance of 67.81 feet;
N 24°51'43" W a distance of 82.36 feet;
N 09°22'10" W a distance of 313.13 feet;
N 06°04'45" W a distance of 184.91 feet;
N 12°13'20" W a distance of 198.22 feet;
N 00°12'03" W a distance of 186.02 feet to the southwest corner of Lot 33 of Verona Division 2 recorded under Auditors File Number 200502175007, records of said county;

Thence along the westerly line of said plat of Verona Division 2 the following courses and distances:

N 00°12'03" W a distance of 76.43 feet;
N 11°19'16" E a distance of 94.45 feet;
N 34°03'49" E a distance of 361.98 feet;
N 15°33'17" E a distance of 93.08 feet;
N 00°29'31" E a distance of 443.26 feet;
N 03°22'34" W a distance of 148.01 feet;
N 34°01'25" E a distance of 159.32 feet;
N 49°38'41" E a distance of 74.88 feet;
N 40°40'05" E a distance of 51.82 feet;
N 32°41'03" E a distance of 101.58 feet;
N 38°36'53" E a distance of 82.95 feet;
N 27°59'38" E a distance of 62.43 feet;
N 26°06'34" E a distance of 277.03 feet;
N 73°07'14" E a distance of 30.00 feet;
S 58°56'19" E a distance of 45.00 feet;
N 49°08'11" E a distance of 99.74 feet to the most northerly corner of Tract A of said plat of Verona Division 2 and the southerly margin of Panorama Drive SE as described in Warranty Deed recorded under Auditor’s File Number 200105040368, said corner being at a point of non-tangent curve to the left having a radius of 454.00 feet (the radius center bears N61°35'41"E);

Thence southeasterly 311.66 feet along said curve and said southerly margin through a central angle of 39°19'56";

Thence continuing along said southerly margin S 67°44'15" E a distance of 23.06 feet to the beginning of a curve to the right having a radius of 25.00 feet;

Thence southeasterly and southerly 37.96 feet along said curve through a central angle of 86°59'27", an arc length of 37.96 feet to the westerly margin of Evergreen Way SE as described in Warranty Deed recorded under Auditor’s File Number 200105040368 and the beginning of a reverse curve to the left having a radius of 927.50 feet;

Thence southerly 140.60 feet along said curve and said westerly margin through a central angle of 08°41'08", an arc length of 140.60 feet;
Thence S 10°34'04" W along said westerly margin and along the westerly margin of Evergreen Way SE as described in Warranty Deed recorded under Auditor’s File Number 200205060960 a distance of 213.01 feet to the beginning of a curve to the left having a radius of 927.50 feet;

Thence southerly 22.17 feet along said curve and said westerly margin through a central angle of 01°22'11" to the westerly extension of the northerly lines of Capri at Lakeland Condominiums Phase 1 recorded under Auditors File Number 200405275001, Phase 2 recorded under Auditors Number 200409205001, and Phase 6 recorded under Auditors File Number 200705155004;

Thence N 78°31'08" E along said westerly extended line a distance of 59.05 feet to the east margin of Evergreen Way SE and the northwest corner of said Capri at Lakeland Condominium Phase 6;

Thence N 78°31'08" E a distance of 515.67 feet along the northerly lines of said Capri at Lakeland, a Condominium Phase 6, Capri at Lakeland, a Condominium Phase 1, and Capri at Lakeland, a Condominium Phase 2 to the westerly line of Heatherwood at Lakeland, a Condominium, Phase 4 recorded under Auditors File Number 200211205003;

Thence along last said westerly line N 11°28'56"W a distance of 154.26 feet to the northwest corner of said Condominium;

Thence N 75°13'36" E a distance of 592.13 feet along the northerly lines of Heatherwood at Lakeland, a Condominium, Phase 4 recorded under Auditors File Number 200211205003, Heatherwood at Lakeland, a Condominium, Phase 2 recorded under Auditors File Number 200106295002 and Heatherwood at Lakeland, a Condominium, Phase 1 recorded under Auditors File Number 200106275001, and the easterly extension of last said northerly line to the easterly right of way of Lakeland Hills Way SE and the southwest corner of Lot 13 of Lakeland Division 1, Phase 3 recorded under Auditors File Number 200004115002;

Thence N 14°46'24"W along last said easterly right of way a distance of 437.57 feet to the beginning of a curve to the left having a radius of 912.00 feet;

Thence northeasterly 234.96 feet along said curve and said easterly right of way through a central angle of 14°45'40" to the beginning of a curve to the right having a radius of 35.00 feet;

Thence northerly and northeasterly 51.64 feet along said curve and said easterly margin through a central angle of 84°32'04" to the southeasterly margin of Evergreen Way SE;

Thence N 55°00'00"E along said southeasterly margin a distance of 208.95 feet;

Thence N 53°05'27"E along said southeasterly margin a distance of 130.40 feet to the most westerly corner of Lot 15 of Lakeland Division 1, Phase 2 recorded under Auditors File Number 200004115003;

Thence continuing N 53°05'27"E along said southeasterly margin of Evergreen Way SE a distance of 19.26 feet to an angle point;
Thence N 55°00'00" E along said southeasterly margin of Evergreen Way SE a distance of 166.23 feet to the beginning of a curve to the left having a radius of 430.00 feet;

Thence northeasterly 283.27 feet along said curve and said southeasterly margin through a central angle of 37°44'40" to the beginning of a compound curve to the left having a radius of 1030.00 feet;

Thence northeasterly 16.98 feet along said curve and said southeasterly margin through a central angle of 00°56'40" to the most northerly northwest corner of Lot 22 of said plat of Lakeland Division 1, Phase 2, and the north line of Section 6, Township 20 North, Range 5 East, W.M.;

Thence along last said north line S 88°34'43"E a distance of 808.02 feet to the northeast corner of Said Section 6 and the terminus of this line description.

The basis of bearings for this description is Record of Survey for Segregation prepared by Apex Engineering dated February 26, 2001 and recorded under Auditors File Number 200102265002, records of Pierce County, Washington.
The most Northerly Northwest comer of Lot 22 Lakeland Div 1 Phase 2

The most Westerly comer of Lot 13 Lakeland Division 1 Phase 3

The most Southernly comer Lot 62 Plat of Verona

New Water Service Boundary Line

Exhibit "B"
Auburn-Bonney Lake Water Service Boundary
City of Bonney Lake

City Council Agenda Bill (AB)

Department / Staff Member: PW/John Woodcock
Meeting/Workshop Date: March 10, 2015
Agenda Bill Number: AB-15-29

Agenda Item Type: Resolution
Ordinance/Resolution Number: 2439
Councilmember Sponsor: Donn Lewis

Agenda Subject: Interlocal Agreement Among The Cities Of Auburn And Bonney Lake For Revision Of Water District Boundaries.

Full Title/Motion:
A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Approving the Interlocal Agreement Among The Cities of Auburn And Bonney Lake For Revision Of Water District Boundaries.

Administrative Recommendation:

Background Summary:
Both Cities each own and operate public water systems pursuant to Chapter 70.119 RCW, and are purveyors of potable water. The City of Auburn is presently revising and updating its six-year comprehensive water plan, as required by the state Department of Health. The Cities’ respective water services areas adjoin and abut one another in the “Lakeland Hills South” area of Pierce County, where the Cities’ water service areas are demarcated by a border or boundary line identified and described in service area agreement dated December 10, 1998. On February 14, 2005, the Cities executed an addendum to the March 1998 Settlement Agreement, to revise the boundary relating to one tax parcel. This resolution will revise and adjust the border line separating the respective water service areas, presently described in Service Area Agreement, as amended by the February 14, 2005 addendum and adjusted pursuant to the legal descriptions and surveyor’s map attached.

Attachments: Resolution, Legal Description (Exhibit A), Water Service Area (Exhibit B)

BUDGET INFORMATION

<table>
<thead>
<tr>
<th>Budget Amount</th>
<th>Current Balance</th>
<th>Required Expenditure</th>
<th>Budget Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

Budget Explanation:

COMMITTEE, BOARD & COMMISSION REVIEW

Council Committee: CDC
Approvals:
Chair/Councilmember Donn Lewis X
Councilmember Randy McKibbin X
Councilmember James Rackley X

Consent Agenda: Yes No

Forwarded to:
Commission/Board Review:
Hearing Examiner Review:

COUNCIL ACTION

Workshop Date(s):
Meeting Date(s):
Public Hearing Date(s):
Tabled to:

APPROVALS

Director: Dan Grigsby, P.E.
Mayor: Neil Johnson Jr.
Date Reviewed by City Attorney:
(if applicable):