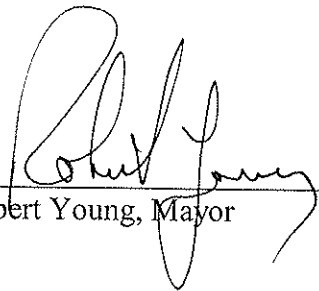


**RESOLUTION NO. 1374**

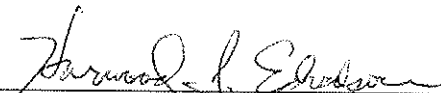
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING A SETTLEMENT AGREEMENT BETWEEN THE CITY OF BONNEY LAKE AND THE CITY OF AUBURN TO AMEND THE WATER BOUNDARY AREA.

**The City Council of the City of Bonney Lake, Washington, does hereby resolve that the Mayor is authorized to sign the contract attached hereto and incorporated herein by this reference.**

**PASSED** by the City Council this 25<sup>th</sup> day of January 2005.

  
Robert Young, Mayor

ATTEST:

  
Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

  
James Dionne, City Attorney

**ADDENDUM NO. 1**

**ADDENDUM TO SETTLEMENT AGREEMENT  
BETWEEN THE CITY OF BONNEY LAKE AND THE CITY OF AUBURN  
RELATING TO WATER SERVICE AREA BOUNDARY**

**THIS ADDENDUM** is made and entered into this 14<sup>th</sup> day of February, 2005, by and between the **CITY OF BONNEY LAKE**, a municipal corporation of the State of Washington (hereinafter referred to as "Bonney Lake") and the **CITY OF AUBURN**, a municipal corporation of the State of Washington (hereinafter referred to as the "Auburn"), as an addendum to the Settlement Agreement between the parties executed on the 5th day of March, 1998.

**WITNESSETH:**

WHEREAS, in March 1998 the City Council of the City of Auburn passed Resolution No. 2925 authorizing the Mayor and City Clerk to execute a settlement agreement that was subsequently signed by the City of Auburn and the City of Bonney Lake; and

WHEREAS, among other items, the settlement agreement set forth a water service area boundary between the City of Auburn and the City of Bonney Lake; and

WHEREAS, Exhibit B to the settlement agreement implied that Auburn's Urban Growth Area (UGA) was established to conform with the water service area boundary set forth in the settlement agreement; and

WHEREAS, subsequent to approval of the settlement agreement the Potential Annexation Area (PAA) for the City of Auburn was amended to coincide with the water service area boundary; and

WHEREAS, Exhibit B to the settlement agreement stated that the UGA and water service area boundary was established to follow property lines; and

WHEREAS, since the time of the agreement it has been found that a parcel was divided by the water service area boundary set forth in said settlement agreement, and by the subsequent PAA boundary established based on the water service area boundary, and said parcel lies partially within and partially outside of the Auburn PAA; and

WHEREAS, part of the Lake Tapps Parkway East extension's right-of-way also lies partially within and partially outside of the Auburn water service area boundary established by the settlement agreement, and partially within and partially outside the subsequent PAA boundary established based on the water service area boundary; and

WHEREAS, sound growth management and planning principles are best served by including entire parcels within a PAA.

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

**ITEM ONE: ADDITION OF PROPERTY**

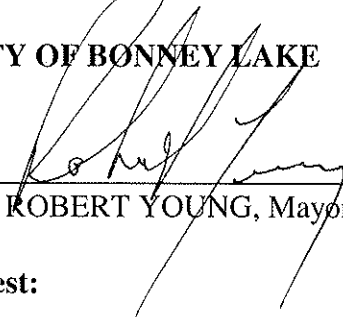
The Settlement Agreement is revised to include a portion of Pierce County parcel # 052005-4046, a portion of the Lake Tapps Parkway as it extends from the west boundary of 182<sup>nd</sup> Ave East west to Auburn's existing Urban Growth Area, and a portion of the natural gas pipe line parcel as noted in the attached Exhibit C. Exhibit C, attached hereto and incorporated by reference as if fully set forth herein, shall provide both a graphical representation and a legal description for the parcels that are to be included in Auburn's UGA for urban services and incorporated into the area that Bonney Lake shall be the water purveyor for within Auburn's UGA as defined in the original settlement agreement between Auburn and Bonney Lake.

**ITEM TWO: REMAINING TERMS UNCHANGED:**

That all other provisions of the Settlement Agreement between the parties executed on the 5th day of March, 1998, shall remain unchanged, and in full force and effect.

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

**CITY OF BONNEY LAKE**



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ROBERT YOUNG, Mayor

**Attest:**



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Harwood Edvalson, City Clerk

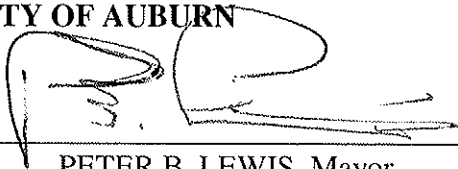
**Approved as to form:**



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James Dionne, City Attorney

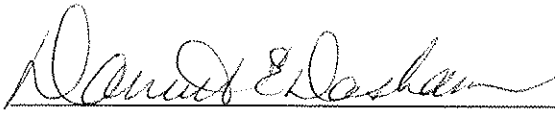
**CITY OF AUBURN**



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PETER B. LEWIS, Mayor

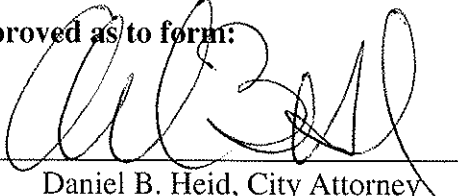
**Attest:**



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Danielle E. Daskam, City Clerk

**Approved as to form:**



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Daniel B. Heid, City Attorney

**EXHIBIT C**  
**ADDENDUM 1**  
**AUBURN BONNEY LAKE SETTLEMENT AGREEMENT**

**LEGAL DESCRIPTION OF AREA**

THAT PORTION OF SECTION 5, TOWNSHIP 20 NORTH, RANGE 5 EAST, W.M. IN PIERCE COUNTY WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 5;

THENCE WESTERLY ALONG THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 5 A DISTANCE OF 1360 FEET, MORE OR LESS, TO THE NORTHWESTERLY LINE OF THE LANDS CONVEYED TO EL PASO NATURAL GAS COMPANY BY DEED RECORDED UNDER PIERCE COUNTY AUDITOR'S NUMBER 2410280;

THENCE NORTHEASTERLY ALONG SAID NORTHWESTERLY LINE A DISTANCE OF 1880 FEET, MORE OR LESS, TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5;

THENCE EASTERLY ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 700 FEET, MORE OR LESS, TO THE WEST LINE OF THE LANDS GRANTED TO PIERCE COUNTY FOR 182<sup>ND</sup> AVENUE EAST DESCRIBED IN DEED RECORDED UNDER PIERCE COUNTY AUDITOR'S NUMBER 2257762;

THENCE SOUTHERLY ALONG THE WEST LINE OF 182<sup>ND</sup> AVENUE EAST AS DESCRIBED IN SAID INSTRUMENT A DISTANCE OF 40 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE LANDS CONVEYED TO PIERCE COUNTY IN DEED RECORDED UNDER AUDITORS FILE NUMBER 9902110924;

THENCE WESTERLY ALONG LAST SAID SOUTH LINE AND ALONG THE SOUTH LINE OF THE LANDS CONVEYED TO PIERCE COUNTY IN DEED RECORDED UNDER AUDITORS FILE NUMBER 200405180889 AND DEPICTED IN MAP ON FILE IN THE OFFICE OF THE DIRECTOR OF PIERCE COUNTY PUBLIC WORKS AND UTILITIES IN TACOMA, WASHINGTON, ENTITLED "LAKE TAPPS PARKWAY EAST – RIGHT OF WAY PLAN - CRP 5486" AND BEARING APPROVAL DATE OF NOVEMBER 17, 2003, A DISTANCE OF 600 FEET, MORE OR LESS, TO THE EAST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 5;

THENCE SOUTHERLY ALONG THE EAST LINE OF SAID WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 5 A DISTANCE OF 1220 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

\\FsStaffFiles\WQ\Utility - Sewer\to\Bonney Lake\Addendum Settlement Legal Description.DOC

EXHIBIT C

