

RESOLUTION NO. 97-7

A RESOLUTION of the Kitsap County Sewer District No. 7, Kitsap County, Washington approving and confirming the final assessment roll for Utility Local Improvement District No. 1, which has been created and established for the purpose of paying the cost of certain sewer improvements; and levying and assessing the amount thereof against the lots, tract, parcels of land and other property shown on said roll.

WHEREAS, an assessment roll levying special assessments against the properties located in Utility Local Improvement District No. 1 ("ULID 1") in the Kitsap County Sewer District No. 7, Kitsap County, Washington (the "District"), created under Resolution No. 94-2, was filed with the Kitsap County Treasurer as provided by law; and

WHEREAS, notice of the time and place of a hearing on and of making objections to the assessment roll was duly published at and for the time and in the manner provided by law, fixing the time and place of hearing thereon for the 9th day of May, 1997, at the hour of 7:30 p.m. at the Blakely Elementary School, Bainbridge Island, Washington, and further notice thereof was duly mailed by the Secretary of the Board to each property owner on said roll; and

WHEREAS, at the time and place fixed and designated in said notice, the hearing on said assessment roll was duly held and the Board, sitting as a board of equalization, gave due consideration to all written and oral protests received and all persons appearing at said hearing;

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF KITSAP COUNTY SEWER DISTRICT NO. 7, KITSAP COUNTY, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Board, sitting as a board of equalization and having made all revisions to the roll it deems necessary, hereby find and determines that the final assessment roll for ULID 1 is just and equitable and that no assessment against property within ULID 1 is greater than the special benefits to be derived from the improvements. Accordingly, the final assessment roll, in the total amount of \$1,754,612.75, is hereby approved and confirmed, and

the assessments set forth therein are hereby levied against each lot, tract, and parcel of property described in the roll.

Section 2. The Secretary of the Board is hereby directed to place in the hands of the Kitsap County Treasurer for collection the final assessment roll for ULID 1. Upon such placement, the amount of each assessment set forth in the roll, together with any interest or penalty imposed from time to time, shall become a lien against the property so assessed. The lien shall be paramount and superior to any other lien or encumbrance whatsoever, theretofore or thereafter created, except a lien for general taxes.

Section 3. Upon receipt of the final assessment roll for ULID 1, the Kitsap County Treasurer is hereby directed to publish notice at the times and in the manner required by RCW 35.49.010, stating that the roll is in her hands for collection and that such assessments or any portion thereof may be paid at any time within 30 days from the date of the first publication of such notice, without penalty, interest or costs.

Section 4. The amount of any assessment, or any portion thereof, against property in ULID 1 not paid within the 30-day period from the date of the first publication of the Kitsap County Treasurer's notice shall be payable in twenty equal annual installments, together with interest on the diminishing principal balance thereof at a rate of 1% per annum greater than the interest rate on the loan to be repaid. Interest shall commence on the 30th day following first publication of such notice. The first installment shall become due and payable one year from the expiration of the 30-day prepayment period. Annual installments, including interest and any penalty, shall be paid in full when due, and no partial payments shall be accepted by the Kitsap County Treasurer.

Section 5. Any installment not paid when due shall thereupon become delinquent. All delinquent installments shall be subject to a penalty equal to 12% per annum of the amount of the installment, including interest, from the date of the delinquency until paid.

Section 6. The lien of any assessment may be discharged at any time after the 30-day

prepayment period by payment of the entire principal amount of the assessment remaining unpaid together with interest thereon to the due date of the next installment.

Section 7. If any one or more of the provisions of this resolution shall be declared by a court of competent jurisdiction to be contrary to law, then such provision shall be null and void and shall be deemed severable from the remaining provisions of this resolution and shall in no way affect the validity of the other provisions of this resolution.

Section 8. This resolution shall be in full force and effect immediately after its adoption.

ADOPTED by the Board of Commissioners of the Kitsap County Sewer District No. 7, Kitsap County, Washington at its meeting on the 23rd day of May, 1997.

KITSAP COUNTY SEWER DISTRICT NO. 7
KITSAP COUNTY, WASHINGTON

By _____
Commissioner

By C. L. Spin
Commissioner

By J. Bourlie
Commissioner

ATTEST:

C. L. Spin
Secretary of the Board