

KING COUNTY WATER DISTRICT NO. 90

KING COUNTY, WASHINGTON

RESOLUTION NO. 1028

A RESOLUTION of the Board of Commissioners of King County Water District No. 90, King County, Washington, authorizing reimbursement to Toll WA LLP, a Washington Limited Partnership, in the sum of \$45,394.68, for the District's share of facilities and/or improvements related to the Alpine Nursery developer extension Project.

WHEREAS, the Developer entered into a developer extension agreement with the District for connection to the District's water distribution system on the Project; and

WHEREAS, the District required the installation of facilities, or modification of the Developer's proposed facility design in order to comply with the District's Comprehensive Plan or to provide service availability to other properties within the District's service areas; and

WHEREAS, the Developer has submitted a request for reimbursement with supporting documentation for the work required by the District; and

WHEREAS, the District's consulting engineers at Stantec Consulting Services, Inc., has reviewed the request for reimbursement and supporting documentation from the Developer, and confirms that the reimbursement is reasonable for the work performed and recommends that the District pay the requested reimbursement amount;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of King County Water District No. 90, as follows:


SECTION 1: That the request for reimbursement by the Developer for the Project for District required work is hereby approved in the amount of \$45,394.68.

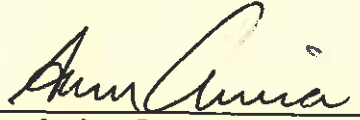
SECTION 2: That the Manager of the District is authorized to submit a warrant for payment of the approved reimbursement amount.

RESOLUTION 1028

SUBJECT: Approving Developer Extension Reimbursement for District directed construction
PAGE - 1

ADOPTED by the Board of Commissioners of King County Water District No. 90, King County, Washington, at a regular open public meeting thereof on the 5th day of September, 2017.

 09/05/17
Byron Murgatroyd, President

 9/5/17
Sam Amira, Secretary

 9-5-17
Dick Gidner, Commissioner

RESOLUTION 1028

SUBJECT: Approving Developer Extension Reimbursement for District directed construction

PAGE - 2

**KING COUNTY WATER DISTRICT NO. 90
KING COUNTY, WASHINGTON**

**ADDENDUM
TO APPLICATION AND AGREEMENT TO ALLOW CONSTRUCTION
OF EXTENSION TO FACILITIES**

TO: KING COUNTY WATER DISTRICT NO. 90

The undersigned, Toll Brothers ("the Developer"), previously made application to King County Water District No. 90, King County, Washington ("the District"), for permission to construct and install an extension to the District's water facilities in the public right-of-way under the District's franchise, and/or upon easements approved by the District, and to connect to the District's water distribution system as set forth in the developer extension agreement dated September 30, 2016, for the Alpine Nursery Development Project.

During the course of work on the Project, it was determined that additional facilities and/or improvements were necessary and to be reimbursed in whole or part by the District, subject to final determination of the reimbursement amount by the District.

The following work was performed by the Developer for which it is seeking reimbursement from the District:

1. FACILITIES AND IMPROVEMENTS REQUIRED BY DISTRICT (to be paid for in whole or part by the District)

1.01 Facilities and improvements required by the District are as described in Section 2 hereof.

1.02 For this project special facilities are as follows:

NOT APPLICABLE

2. FACILITIES AND IMPROVEMENTS REQUIRED BY DISTRICT

2.01 During the course of the Project, the District required the installation of facilities, or modification of the Developer's proposed facility design in order to comply with the District's Comprehensive Plan or to provide service availability to other properties within the District's service areas. The work is as follows:


-161 st Water Main extension south of property line:	\$30,916.62
-Additional service lines from meter to homes:	\$1,974.00
-Abandon water services on 144 th :	\$4,304.63
-New water service to exist home @ north end 160 th :	\$6,379.22
-New 1" water svc to exist home @ s. end of 160 th :	\$1,820.21

TOTAL REIMBURSEMENT REQUEST: \$45,394.68

- 2.02 The Developer has provided complete documentation of its costs attributable to such work and requests the District's Board of Commissioners to review and approve reimbursement for such work by resolution in accordance with and pursuant to the laws of the State of Washington. The Developer seeks reimbursement in the amount of **\$45,394.68**, from the District.
- 2.03 In the event the District and the Developer are unable to reach agreement as to a reimbursement amount, or as to the increased costs to the District's obligation due to unforeseen circumstances, the Developer may bring no claim against the District in litigation unless the claim has first been the subject of a non-binding mediation before a single mediator under the Voluntary Construction Mediation Rules of the American Arbitration Association in effect as of the Effective Date of the Agreement. The mediation shall be conducted as soon as is practicable after the completion of the project. This requirement cannot be waived except by an explicit written waiver signed by the District. The request for mediation shall be submitted in writing to the American Arbitration Association. The District and the Developer shall participate in the mediation process in good faith. An officer of Developer, and the General Manager or his designee from the District, both having full authority to settle the claim, must attend the mediation session. To the extent there are other parties in interest, such as engineers, subcontractors, or suppliers, their representatives, with full authority to settle any claim, shall also attend the mediation session. Unless the District and the Developer mutually agree in writing otherwise, all unresolved claims shall be considered at a single mediation session which shall occur prior to acceptance by the District of the Bill of Sale.

All other terms of the Developer Extension Agreement remain in effect.

Dated this 5TH day of SEPTEMBER, 2017.


DEVELOPER - Authorized Signature
PAUL OLLESTAD - LAND MANAGER

ADDITIONAL OWNER SIGNATURE


SIGNATURE OF GENERAL MANAGER
approving Application and Agreement

Date 9/5, 2017