



CITY OF BLACK DIAMOND
November 7, 2013 Meeting Agenda
25510 Lawson St., Black Diamond, Washington

7:00 P.M. – CALL TO ORDER, FLAG SALUTE, ROLL CALL

PUBLIC COMMENTS: Persons wishing to address the City Council regarding items of new business are encouraged to do so at this time. When recognized by the Mayor, please come to the podium and clearly state your name and address. Please limit your comments to 3 minutes. If you desire a formal agenda placement, please contact the City Clerk at 360-886-5700. Thank you for attending this evening.

PUBLIC HEARINGS:

- | | |
|---|------------|
| 1.) AB13-080 – Black Diamond CFD No. 2013-1 | Mr. Hoppen |
| 2.) AB13-081 – Proposed 2014 Property Tax Levy | Mr. Gray |

APPOINTMENTS, PRESENTATIONS, ANNOUNCEMENTS: None
UNFINISHED BUSINESS: None

NEW BUSINESS:

- | | |
|--|-----------------|
| 3.) AB13-082 – Resolution Approving Yearly Amendment to ILA with Valley Comm. | Chief Kiblinger |
| 4.) AB13-083 – Ordinance Amending BDMC 10.16.050 Impound Vehicles | Chief Kiblinger |
| 5.) AB13-084 – Resolution Authorizing the Purchase of Street Signs | Mr. Williamson |
| 6.) AB13-085 – Resolution Adopting Legal Services Contract with Kenyon Disend | Mayor Olness |

DEPARTMENT REPORTS:

MAYOR'S REPORT:

COUNCIL REPORTS:

ATTORNEY REPORT:

PUBLIC COMMENTS:

CONSENT AGENDA:

- 7.) **Claim Checks** – November 7, 2013 No. 40148 through No. 40218 (voided checks 40147, 40155) in the amount of \$105,546.03
- 8.) **Payroll Checks** – September 30, 2013, No. 18134 through No. 18153 and ACH Pay in the amount of \$240,299.70
- 9.) **Minutes** – Council Meeting of October 17, 2013, Town Hall Meeting of September 12, 2013 and Workstudy Notes of October 30, 2013.

EXECUTIVE SESSION: To discuss with Legal Counsel potential litigation pursuant to RCW 42.30.110(1)(i)

ADJOURNMENT:

CITY COUNCIL AGENDA BILL

City of Black Diamond
Post Office Box 599
Black Diamond, WA 98010

ITEM INFORMATION		
SUBJECT: Public Hearing – Formation of Black Diamond Community Facilities District No. 2013-1	Agenda Date: November 7, 2013	
	AB13-080	
	Department/Committee/Individual	
	Mayor Rebecca Olness	
	City Administrator –	
	City Attorney –Chris Bacha	X
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	
	Public Works – Seth Boettcher	
	Economic Devel. – Andy Williamson	
Cost Impact:	Police – Jamey Kiblinger	
Fund Source:	Court – Stephanie Metcalf	
Timeline:	Comm. Dev. – Steve Pilcher	
Agenda Placement: <input type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input checked="" type="checkbox"/> City Administrator		
Attachments: Procedures for Formation, Public hearing notice, Letters and Certificate of Sufficiency from King County; CFD Petition, YarrowBay Memo w/attachments		
SUMMARY STATEMENT: The City of Black Diamond has received a petition from BD Village Partners, LP and YarrowBay Development LLC for the formation of Community Facility District No. 2013-1 pursuant to Chapter 36.145 RCW. The petition proposes over \$20 Million of assessments upon the property located within the boundaries of the proposed Community Facilities District, which consists of 377.8 acres. The purpose of the hearing is for the Black Diamond City Council to receive public comments and evidence in support of, or in opposition to, formation of the Community Facilities District. The City Council is required by law to take action approving or denying the petition within 30 days after the hearing.		
COMMITTEE REVIEW AND RECOMMENDATION:		
RECOMMENDED ACTION: PUBLIC HEARING ONLY.		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
November 7, 2013		

Please publish in the next three (3) consecutive editions of the Covington/Maple Valley Reporter.

**CITY OF BLACK DIAMOND
NOTICE OF PUBLIC HEARING
REGARDING THE PETITION FOR FORMATION OF BLACK DIAMOND
COMMUNITY FACILITIES DISTRICT NO. 2013-1**

NOTICE IS HEREBY GIVEN that the Black Diamond City Council will be holding a public hearing on Thursday, November 7, 2013 at 7:00 p.m. at the Black Diamond Council Chambers, 25510 Lawson Street, Black Diamond, WA.

APPLICANT: BD Village Partners, LP and YarrowBay Development LLC, 10220 NE Points Drive Suite 310, Kirkland, WA 98033

ISSUE UNDER CONSIDERATION: The City of Black Diamond has received a petition from the applicant for the formation of Community Facility District No. 2013-1 (hereinafter the “District”) pursuant to Chapter 36.145 RCW. The petition proposes over \$20 Million of assessments upon the property located within the boundaries of the proposed District, which consists of 377.8 acres. The purpose of the hearing is for the Black Diamond City Council to receive public comments and evidence in support of, or in opposition to, formation of the District. The City Council is required by law to take action approving or denying the petition within 30 days after the hearing.

OBJECTIVE: The proposed District’s objective is to finance portions of eight specific improvements that provide special benefits to property located within the District through the application of assessments. The applicant states in its petition that the net amount proposed to be assessed on each parcel within the District is proportional to the special benefit conferred on such parcel by the eight improvements. The applicant has proposed financing the following eight specific facilities:

- SR-169/Roberts Drive/Black Diamond – Ravensdale Rd Interim Intersection - This improvement will reconfigure two intersections to increase their collective capacity to adequately operate through the completion of the District’s occupancies. Located within close proximity of each other, the two intersections are the connections of Roberts Drive to S.R. 169 and Black Diamond – Ravensdale Road to S.R. 169. Reconfiguration will change the existing Roberts Drive intersection from its current “Y” configuration to a “T” intersection. Ravensdale Road will be adjusted to align with the current Palmer Coking Coal Company access road/future Pipeline Road. Traffic signals will be installed at both intersections, replacing the current stop/yield signs. Additionally, a right turn drop lane will be added to southbound SR 169 at the Roberts Drive intersection.
- Pipeline Road Water Main Extension – This main line extension is necessary to provide water services and to satisfy fire flow requirements for the District. The

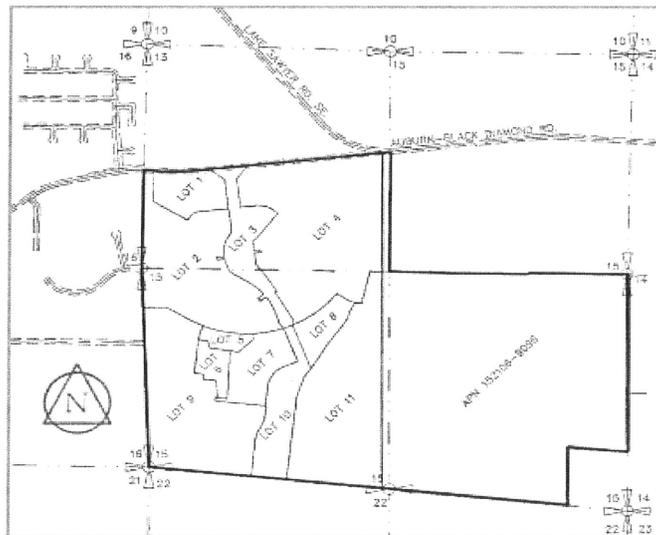
construction includes extension of approximately 8,700 feet of 850 pressure zone water main from SR 169 to the Auburn-Black Diamond Road/Villages Ring Road intersection. A portion of the 8,700 feet of water main extension includes connecting to the existing water main within Bruckner's Way. An additional 800 feet of main line extending east from the Auburn-Black Diamond Road/Villages Ring Road intersection to the existing water main within Roberts Drive near Rock Creek is also included in this project. To provide adequate fire flow and redundancy, a new tap to the City of Tacoma water main and extension to The Villages project site is also included. Construction will include two pressure reducing valves for connections to existing 750 pressure zone water mains.

- Pipeline Road (tie to interim Improvement) – This improvement will include approximately 7,300 feet of new roadway connecting the interim SR 169/Ravensdale Road intersection improvements and Lake Sawyer Road SE. The new roadway is proposed to be a two lane minor arterial per the City of Black Diamond Road Standards. The road section includes 30 feet of paving with vertical curbs along with a 4-to-6-foot planter strip and 6-foot sidewalk on both sides of the road. Construction of this project will include stormwater conveyance and management facilities.
- Lake Sawyer / Pipeline Road Roundabout – The scope of this improvement includes a single lane roundabout at the intersection of the newly constructed Pipeline Road and Lake Sawyer Road SE.
- Onsite Spine Road – The Onsite Spine Road is a street entirely within the District, intersecting Auburn - Black Diamond Road and traversing the District in a north-south orientation. The limits of construction extend south of the District boundary by approximately 500 feet, however further extensions of the road will eventually serve all Phases of the Villages MPD to the south when the MPD is entirely built out and occupied. The Onsite Spine Road through the District will consist of a single 10-foot lane in each direction with 5-foot bike lanes. Some locations within the Onsite Spine Road also include left turn lanes and planted median islands. An 8-foot wide multi-use, hard surface, cross community trail will be constructed along the section of the Onsite Spine Road. Utilities will also be installed as part of this improvement.
- Onsite Ring Road – The Onsite Ring Road connects to Auburn – Black Diamond Road and travels in a circular arc as it traverses the District properties. This road provides additional traffic capacity within the internal road network and also provides an additional point of access to the District properties for fire and safety equipment. The Onsite Ring Road will consist of a single 10-foot lane in each direction with 5-foot bike lanes and intermittent 7-foot wide parking on both sides of the road. Utilities will also be installed as part of this improvement.
- Stormwater Detention Pond – The Stormwater Detention Pond is designed to detain, treat and infiltrate stormwater runoff from large portions of the District as well as other parts of The Villages MPD. In addition, the pond serves as the ultimate overflow route for all stormwater runoff from the District that is not infiltrated or detained in other facilities within the District. The pond is located near the southern edge of the District in Lot 10.

- Sanitary Sewer Lift Station – The Sanitary Sewer Lift Station is being constructed to service the District as well as other portions of The Villages MPD. The Lift Station is located north of the Stormwater Detention Pond within Lot 10. At a later date, a higher capacity sewer lift station sized to service all of The Villages MPD (including the District) may be constructed in a different location. In such case, this lift station will be retired.

PURPOSE: The purpose for forming the District is to finance portions of the Improvements as they provide special benefits to the property located within the District.

DESCRIPTION OF PROPERTY: See the below diagram showing each separate lot, tract, parcel of land, or other property in the District. The District boundary legal descriptions by metes and bounds is available for review in the Petition.



Written comments may be submitted to the Clerk’s office located at 24301 Roberts Drive, Black Diamond, WA until 5:00 p.m. on November 7, 2013, or otherwise they must be submitted at the hearing. The applicant’s petition for formation of the District and all documents related to the petition and the hearing are available for inspection or purchase at City Hall, 24301 Roberts Drive, or on the City’s website at <http://www.ci.blackdiamond.wa.us> under “Public Notices”.

Dated this 8th day of October, 2013
 Brenda L. Martinez
 City Clerk

**COMMUNITY FACILITIES DISTRICT
PROCEDURES FOR FORMATION**

The following is a description of the statutory procedures governing the formation of a community facilities District that is located entirely within the incorporated boundaries of a City. These procedures were enacted in 2010 and are codified at RCW Ch. 36.145.

I. PURPOSE:

Community Facilities Districts are special taxing districts that may be created by cities and counties to provide financing for local improvements. The legislature found that inadequate community facilities and infrastructure exist to support growth that the legislature anticipates to occur over the next 20 years. It further found that current financing options were not adequate or flexible enough to fund these needed facilities and that voluntary landowner financing of such facilities should be authorized. Thus, the legislature enacted the CFD legislation with the specific purpose of creating a financing mechanism allowing property owners to finance needed public improvements.¹

II. FILING AND TRANSMITTAL OF A PETITION.

1. A petition is a request to form a CFD that,

- a. Statutory Requirements. Meets the requirements of RCW 36.145.020 (requirements for formation of the CFD by petition);
- b. Property Owners. Is made by 100% of the persons owning land within the District Boundaries; and
- c. Voluntary Agreement. Includes agreement for the landowners to voluntarily submit their land to assessments authorized under Ch. 36.145 RCW;

2. The petition must be filed with the County Auditor.² The petition must first be filed with the County Auditor by the applicant.

The County Auditor must confirm that the petition has been validly executed by **100%** of the landowners within the proposed district boundaries.

¹ RCW 36.145.005.

² RCW 36.145.020(2)

The County Auditor has **30** days to determine compliance or non-compliance. Upon a determination of compliance, the County Auditor will have **10** days to transmit the petition with a certificate of sufficiency to the City.

The County Auditor has no statutory duty to determine if the petition is complete, i.e., if it meets the requirements of RCW 36.145.020.

3. Completeness of Petition. Ch 36.145 RCW does not include a specific process for determining whether or not a petition is complete. However, The CFD statute does include a hearing requirement and a right of appeal. Thus, issues related to the completeness of the petition can be raised at the time of the hearing and may be considered by the City Council in determining whether or not to approve the petition.

In determining the Completeness of the petition, the City Council may consider whether or not the Petition includes the following mandatory criteria:

- Boundary Description. Does the petition designate and describe the boundaries of the district by metes and bounds or reference to United States townships, ranges, and legal subdivisions;
- 100% of all Property Owners. Is the petition executed by one hundred percent of all owners of private property located within the boundaries of the proposed district.
- Authorize Assessments. Does the petition include a request by the property owners to subject their property to the assessments;
- Assessments Stated in the Petition. Does the request to subject the property to assessments include a maximum amount the property owners may be subject to;
- Authorized Assessments. Are the assessments described in the petition authorized under Chapter 36.145 RCW;
- Certification. Does the petition include a certification by the petitioners that they want to voluntarily submit their property to the authority of the district under Chapter 36.145 RCW to approve the petitioner's request to submit their property to the assessments, up to the amount included in the petition and authorized under this chapter;
- Explanation of Objective and Plan. Does the petition include a general explanation of the objective and plan of the district;
- Description of Special Facilities. Does the petition describe the specific facilities that the district anticipates financing;

- Declaration of Public Health, Welfare and Safety. Does the petition declare that the district will be conducive to public health, safety, and welfare;
- Declaration of Benefit. Does the petition assert that the purpose for forming the district will be a benefit to the land located in the district;
- Reimbursement Obligation. Is the petition accompanied by an "obligation" signed by at least two petitioners who agree to pay the costs of the formation process;
- List of Representatives. Does the petition include a list of petitioners or representatives thereof who are willing and able to serve on the board of supervisors;
- Property Information for Assessment. If the petition proposes a special assessment, does it include:
 - i. A diagram showing each separate lot, tract, parcel of land, or other property in the district;
 - ii. the acreage of the property;
 - iii. the name and address of the owner or reputed owner of each lot, tract, parcel of land, or other property as shown on the tax rolls of the county assessor;
 - iv. a preliminary assessment roll showing the special assessment proposed to be imposed on each lot, tract, parcel of land, or other property; and
 - v. a proposed method or combination of methods for computing special assessments, determining the benefit to assessed property or use from facilities or improvements funded directly or indirectly by special assessments under this chapter; and
- Security. Does the petition include an explanation of what security will be provided to ensure the timely payment of assessments and the timely payment of bonds issued by the district?

4. Cost Reimbursement. The statute provides at RCW 36.145.020(1)(g) that at least two of the petitioners must sign an obligation to agree to pay the costs of the formation process. These costs are different from and not included in the costs that may be funded by district revenue. Thus, these costs must be paid by the petitioners and not the district.

The statute does not delineate or categorize the costs that may be included as part of this obligation nor does it provide whether or not such costs must be advanced and paid up front or

are subject to reimbursement. However, because the statute uses the present tense and does not speak to this obligation as an obligation to reimburse those costs, it appears to be within the legislative intent to allow the City to require payment either through reimbursement of the City's costs or through an advance deposit and draw upon the deposit.

The Statute also does not specify any limit upon costs other than that they must be "costs of the formation process". Thus, Costs reasonably incurred by the City related to formation of the district appear to be within the scope of the payment obligation of the petitioners.

III. PUBLIC HEARING.³

1. Public Hearing Obligation. The City Council is required to hold a public hearing regarding the formation of the District.

2. Timing of Hearing. The hearing must be held no less than 30 and no more than 60 days from the date that the county certificate of sufficiency is issued.*

* The time begins from date of issuance and not receipt by the City.

* The following question may arise: “may the hearing be continued beyond the 60th day?” This is an open question; however, the statute uses the term “held” in reference to the hearing requirement. Held” is the past tense of “hold”; therefore, the reference to when the hearing must be conducted is in the past tense. By providing in the statute that the hearing must be “held” no later than 60 days after the certificate of sufficiency, the legislature appears to have intended that the hearing shall be commenced and completed prior to that time.

3. Hearing Notice⁴. The City is required to give public notice of the hearing. Notice must comply with the following:

- a. Description of Proposal. Notice of all public hearings must include a description of the proposal;
- b. Mailing. Notice must be mailed to all petitioners.
- c. Publication. Notice must be published once a week for three consecutive weeks in the official paper of the City, prior to the date set for the hearing.
- d. Posting Within the District. The notice must be posted for not less than fifteen days prior to the date of the hearing in each of three (3) public places within the boundaries of the proposed district;
- e. Posting in Public Places. The notice must be posted for not less than fifteen days prior to the date of the hearing in three (3) public places of the City.
- f. Time, Date and Location. All notices must contain the time, date, and place of the public hearing.

4. Hearing and Decision Making Process. The hearing and decision making process may generally be described as follows:

³ For purposes of this procedural outline, it is presumed that the formation of a community facilities district is a legislative process rather than a quasi-judicial process.

⁴ RCW 36.145.040.

- a. Who may give evidence? The statute contains no limitations upon who may give evidence. Thus, anyone opposing or supporting the petition may provide testimony or provide written evidence. The Council should establish time limits, as are customary, for other public legislative hearings.
- b. What evidence may be presented? Any evidence, written or oral, may be presented that the City Council deems material to formation of the district. The Council may establish rules governing the scope of what may be considered evidence material to formation of the District.
- c. What Evidence is Material? The statute does not define “materiality” but does describe the relevant decision criteria of the City Council. Evidence that relates to these decision criteria is clearly material to formation of the District. Further, as noted previously, evidence relating to the completeness of the petition would also be material.
- d. City Council Consideration of the Petition? The statute provides that the City Council “must” consider the petition at the time and place of the hearing. The meaning of this statutory obligation is not clear; however, it appears that the legislature intended that the Council commence its consideration of the petition at that time.

The statute also provides that the City Council may act on the petition at the public hearing, but is not required to. Thus, although the City Council must commence its consideration of the petition at the time of the hearing, it need not complete its consideration of the petition on the date of the hearing.

- e. Is there a time limit upon when the City Council Must Take Action? The statute provides that the City Council may not issue a decision later than thirty (30) days after the day of the public hearing.⁵ Thus, if the City Council takes action, it must do so within that time period.

The statute also provides that a district may not be formed unless the City Council makes the required findings set forth in RCW 36.145.060(1). Thus, it is clear that, if the City Council does not approve a resolution containing the required findings within the 30 day time period, the district cannot be lawfully formed.

- f. What Criteria Must the Council Consider? A petition for formation of the district may not be approved by the City Council unless it makes the following findings:
 - i. The petitioners will benefit from the proposed district. The statute does not specify or give context to what benefit must be conferred. However, if the

⁵ RCW 36.145.060

petition specifies that special assessments will be imposed, such assessments are required to provide special benefit to the District;

- ii. The formation of the district will be in the best interest of the City; and
- iii. The formation of the District is consistent with the requirements of Washington's growth management act.

- g. What Standard Applies? The creation of a special purpose districts is a legislative act. When acting in its legislative capacity, the City Council has broad discretion. However, the City Council is constitutionally mandated to act in a reasonable manner and cannot act arbitrarily or capriciously.

The statute provides that the Council may approve the petition by resolution if it finds, in its "sole discretion" that the petition meets the foregoing criteria (see f above). Thus, the City Council is obligated to make a reasoned decision upon due consideration of the contents of the petition and the evidence submitted to the City Council. However, it is not obligated to grant the petition and has sole discretion to determine whether or not each of the criteria is met. Substantial deference is given to the City Council to determine how best to serve the public interest. If the City Council determines that one or more criteria are not met, the fact that the applicant or speaker may have a different opinion does not matter, as long as the City Council did not act arbitrarily or capriciously in making this determination or was unreasoning in its determination.

- h. What is the Process for Approval? The Council must adopt a resolution approving the petition within 30 days following the day of the public hearing.⁶ The resolution must meet the following requirements:

- i. Findings. It must include findings for each one of the mandatory elements set forth in (f) above (See, RCW 36.145.060(1));

- ii. Content of Petition. The resolution must, conform to the terms and conditions contained in the petition, including the maximum amounts of special assessments set forth in the petition, and must designate the name and number of the community facilities district being formed.

- iii. Filing with Auditor. Certified copies of the resolution must be filed with the County Auditor (or equivalent).

- i. Can the City Council Alter the Petition? The Statute provides no authority for the City Council to unilaterally amend or alter a petition. Further, it provides that the resolution approving the petition must conform to the terms and conditions

⁶ Presumably this means the day the public hearing closes if the hearing last more than one day.

contained in the petition.⁷ Thus, unless the petition is amended in accordance with the statutory process, the City Council can only approve, deny or take no action upon the petition as presented by the applicant.

The statute provides that a petition may be amended for any reason but only if it is signed by one hundred percent of the owners of the property within the district.⁸

- j. Is there a Right of Appeal? Yes.
- k. Who May Appeal? Any person who objects to formation of the district may appeal the final decision of the City Council to approve the petition. The statute does not provide that the appellant must be a person who objected at the time of the hearing. Thus, it appears that anyone may appeal.
- l. What Decision may be Appealed? The statute only provides for a right to appeal a decision of the City Council to approve formation of the district. Thus, failure to take action to approve the district or action denying approval is not subject to appeal. This limitation upon the right to appeal seems consistent with the fact that action to approve a petition is a legislative decision.
- m. What is the Time Period for Filing Appeal? An appeal must be filed in the Superior Court of the county in which the property is located within 30 days of the effective date of the resolution approving the petition. If an appeal is not timely filed, the district will be deemed validly constituted and its formation cannot thereafter be challenged.

⁷ RCW 36.145.060(3).

⁸ RCW 36.145.020(3).

IV. APPOINTMENT OF SUPERVISORS.

1. Formation of the District. The District is likely formed upon passage of the resolution approving formation. However, because there is a requirement for filing a certified copy of the resolution with the County Auditor, it may be that the District is not created unless and until this filing occurs. Because the statute is silent on this issue and does not explicitly state that this is a jurisdictional requirement, it is not absolutely clear at what point the district is formed.

2. Creation of Board of Supervisors. The District cannot take action until the five (5) member "Board of Supervisors" is duly constituted by the City Council.

3. Timing of Appointments. The statute provides that the board members must be appointed within sixty (60) days of the formation of the district.

4. How Appointed. Each of the five members must be natural persons and shall be appointed by the City Council. Three (3) of the members shall be appointed from among the members of the City Council and two (2) of the members shall be appointed from among the petitioner members or nominees identified in the petition.

The statute also provides that the City may, in the alternative, appoint qualified professionals with expertise in "municipal finance in lieu of one or more authorized appointments from among the members of the City Council. However, the statute appears to require that at least one City Council member remain on the Board. Note that only persons with expertise in municipal finance are qualified to serve on the Board in lieu of appointment of a City Council Member.

5. Term of Office. The term of each supervisor is three (3) years, and until a successor is appointed. Initial terms are limited to one (1) and two (2) year appointments respectively. Thus, for example, two council members and one petitioner member will have a one-year initial term and one council member one petition member will have a two-year initial term.

6. Vacancies in Office. Upon expiration of each term, the appointee may continue to serve as a supervisor until the new term is filled. Persons may only be appointed to a vacant position from those persons eligible to fill that position. In other words, the two petitioner appointments must be filled by petitioner nominees from the petition or successor property owners. The three council positions must be filled by council members or a qualified professional.



King County

Records and Licensing Services Division

Department of Executive Services

King County Administration Building
500 Fourth Avenue, Room 411
Seattle, WA 98104-2337

206-296-3185 Fax 206-296-4029
TTY Relay: 711

September 24, 2013

The Honorable Dow Constantine
King County Executive
401 5th Ave #800
Seattle, WA 98104

Dear Executive Constantine:

I am transmitting a "certificate of sufficiency" for the Black Diamond Community Facilities District (CFD), for your signature. On March 10, 2010, Senate Bill 6241 became law. The statute (RCW 36.145) allows for the creation of Community Facilities Districts (CFD) which represents a new type of public financing available to Washington developers and homebuilders. A CFD is a special purpose district designed to provide financing for community facilities and local, sub-regional and regional infrastructure. A CFD is created by a petition approved by a county, city, or town in which the district is located. Before the petition can be processed by the applicable jurisdiction, the county auditor of the county where the parcels are located must verify that all parcels within the proposed CFD have been included in the petition and that the owners of each parcel have signed the petition.

On September 15, 2013, King County received a petition for Black Diamond CFD No. 2013-1. The parcels identified in the petition are wholly within with the incorporated area of Black Diamond. Accordingly, King County's only role is to verify that the "...petition has been validly executed by one hundred percent of all owners of the property located within the proposed district..." RCW 36.145.020(2).

The King County charter does not provide for a statutory county auditor and the charter does not assign the county auditor duties, except those assigned by the clerk of the county council. Absent a specific delegation by the county executive, this newly created county auditor duty is retained by the executive, until delegated.

Since my division, Records and Licensing Services, has the closest duties for this purpose, we have reviewed this petition. For this review, Ian Taylor, deputy prosecuting attorney, and I reviewed the materials from BD Village Partners and Yarrow Bay Development. We contacted their corporate office to request additional documentation clearly linking the signatory Brian Ross to both companies. They responded with three documents:

The Honorable Dow Constantine
September 20, 2013
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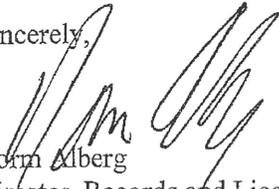
- (1) Excerpts from the BD Village Partners limited partnership agreement noting Yarrow Bay Development's appointment as "General Partner"; the General Partner's authority to act for the Limited Partnership, and evidence of Brian Ross's signature authority for Yarrow Bay Development.
- (2) BD Village Partners' certificate of formation from the WA Secretary of State which was signed by Brian Ross.
- (3) A consent signed by the partners of BD Village Partners LP authorizing Yarrow Bay Development LLC to take such actions necessary to implement Black Diamond CFD No. 2013-1.

The documents clearly indicate his authority to bind the companies to the terms of the CFD. In addition, the Prosecuting Attorney's Office has reviewed the petition and confirmed that all the parcels in the legal description for the proposed CFD were accurate and that each owner had been identified. In this case all parcels are owned BD Village Partners.

RECOMMENDATION: The Black Diamond CFD Petition 2013-1 meets the requirements of RCW 36.145.020(2). Accordingly, I recommend that you sign the included Certificate of Sufficiency.

After execution, my office will retrieve the original Certificate and the petition. Per 36.145.020(2)(a) it will then be sent to the City of Black Diamond to proceed with its process. Should you have any questions please contact me at 206-296-1559.

Sincerely,



Norm Alberg
Director, Records and Licensing



King County

Dow Constantine
King County Executive
401 Fifth Avenue, Suite 800
Seattle, WA 98104-1818
206-263-9600 Fax 206-296-0840
TTY Relay: 711
www.kingcounty.gov

CERTIFICATE OF SUFFICIENCY PURSUANT TO RCW 36.145.020(2)

To: City Council of the City of Black Diamond, Washington
From: Office of King County Executive, King County, Washington
Re: Petition to Form Community Facilities District Pursuant to RCW 36.145.020(2).

Honorable Council,

On September 15, 2013 King County received the Petition to form Black Diamond Community Facilities District No: 2013-1 (the "District" hereinafter). King County does not have an Auditor to comply with RCW 36.145.020(2). Pursuant to the King County Charter and the King County Code, the function specified by RCW 36.145.020(2) is performed by the King County Executive.

On behalf of King County I have examined the Petition, the records of title of the property within the proposed District and the signatures of the property owners of all the property within the proposed District and do hereby certify that the Petition has been executed by one hundred percent of all the property owners within the proposed District.

DATED this 1 day of OCTOBER, 2013.

King County Executive

Dow Constantine

BLACK DIAMOND CFD No. 2013-1
Community Facilities District (“CFD”) Petition pursuant to Chapter 36.145 RCW

BD Village Partners, LP and YarrowBay Development, LLC (hereinafter “Petitioners”) respectfully submit this Community Facilities District Petition (the “Petition”) to the City of Black Diamond pursuant to Chapter 36.145 RCW. This Petition requests the formation of Black Diamond CFD No. 2013-1 (the “District” or “CFD No. 2013-1”), which shall include the Black Diamond CFD No. 2013-1 Property, as defined below, that is both located within the Black Diamond Urban Growth Area (“UGA”) and within the city limits of Black Diamond as required by RCW 36.145.020. The requirements for a CFD petition are set forth in RCW 36.145.020(1). Each of these requirements is addressed subsection-by-subsection below.

RCW 36.145.020(1)(a): See the metes and bounds description of the boundaries of the District attached to this Petition as Attachment 1 (hereinafter the “Black Diamond CFD No. 2013-1 Property”).

RCW 36.145.020(1)(b): The undersigned property owner hereby requests that the Black Diamond CFD No. 2013-1 Property be subject to assessments up to the amount outlined in RCW 36.145.020(1)(i)(iv) as authorized by Chapter 36.145 RCW.

RCW 36.145.020(1)(c): See the certification attached to this Petition as Attachment 2.

RCW 36.145.020(1)(d): The District’s objective is to finance portions of eight specific improvements that provide special benefits to the Black Diamond CFD No. 2013-1 Property through the application of assessments. The net amount to be assessed on each parcel within the District is proportional to the special benefit conferred on such parcel by the eight improvements. The District anticipates financing the following eight specific facilities (the “Improvements”):

- S.R. 169 / Roberts Drive / Black Diamond - Ravensdale Rd Interim Intersection – This improvement will reconfigure two intersections to increase their collective capacity to adequately operate through the completion of the District’s occupancies. Located within close proximity of each other, the two intersections are the connections of Roberts Drive to S.R. 169 and Black Diamond - Ravensdale Road to S.R. 169. Reconfiguration will change the existing Roberts Drive intersection from its current "Y" configuration to a "T" intersection. Ravensdale Road will be adjusted to align with the current Palmer Coking Coal Company access road/future Pipeline Road. Traffic signals will be installed at both intersections, replacing the current stop/yield signs. Additionally, a right turn drop lane will be added to southbound SR 169 at the Roberts Drive intersection.
- Pipeline Road Water Main Extension – This main line extension is necessary to provide water services and to satisfy fire flow requirements for the District. The construction includes extension of approximately 8,700 feet of 850 pressure zone water main from SR 169 to the Auburn-Black Diamond Road/Villages Ring Road intersection. A portion of the 8,700 feet of water main extension includes connecting to the existing water main within Bruckner’s Way. An additional 800 feet of main line extending east from the Auburn-Black Diamond Road/Villages Ring Road intersection to the existing water main

within Roberts Drive near Rock Creek is also included in this project. To provide adequate fire flow and redundancy, a new tap to the City of Tacoma water main and extension to The Villages project site is also included. Construction will include two pressure reducing valves for connections to existing 750 pressure zone water mains.

- Pipeline Road (tie to interim Improvement) – This improvement will include approximately 7,300 feet of new roadway connecting the interim SR 169/Ravensdale Road intersection improvements and Lake Sawyer Road SE. The new roadway is proposed to be a two lane minor arterial per the City of Black Diamond Road Standards. The road section includes 30 feet of paving with vertical curbs along with a 4-to-6-foot planter strip and 6-foot sidewalk on both sides of the road. Construction of this project will include stormwater conveyance and management facilities.
- Lake Sawyer / Pipeline Road Roundabout – The scope of this improvement includes a single lane roundabout at the intersection of the newly constructed Pipeline Road and Lake Sawyer Road SE.
- Onsite Spine Road – The Onsite Spine Road is a street entirely within the District, intersecting Auburn - Black Diamond Road and traversing the District in a north-south orientation. The limits of construction extend south of the District boundary by approximately 500 feet, however further extensions of the road will eventually serve all Phases of the Villages MPD to the south when the MPD is entirely built out and occupied. The Onsite Spine Road through the District will consist of a single 10-foot lane in each direction with 5-foot bike lanes. Some locations within the Onsite Spine Road also include left turn lanes and planted median islands. An 8-foot wide multi-use, hard surface, cross community trail will be constructed along the section of the Onsite Spine Road. Utilities will also be installed as part of this improvement.
- Onsite Ring Road – The Onsite Ring Road connects to Auburn – Black Diamond Road and travels in a circular arc as it traverses the District properties. This road provides additional traffic capacity within the internal road network and also provides an additional point of access to the District properties for fire and safety equipment. The Onsite Ring Road will consist of a single 10-foot lane in each direction with 5-foot bike lanes and intermittent 7-foot wide parking on both sides of the road. Utilities will also be installed as part of this improvement.
- Stormwater Detention Pond – The Stormwater Detention Pond is designed to detain, treat and infiltrate stormwater runoff from large portions of the District as well as other parts of The Villages MPD. In addition, the pond serves as the ultimate overflow route for all stormwater runoff from the District that is not infiltrated or detained in other facilities within the District. The pond is located near the southern edge of the District in Lot 10.
- Sanitary Sewer Lift Station – The Sanitary Sewer Lift Station is being constructed to service the District as well as other portions of The Villages MPD. The Lift Station is located north of the Stormwater Detention Pond within Lot 10. At a later date, a higher capacity sewer lift station sized to service all of The Villages MPD (including the

District) may be constructed in a different location. In such case, this lift station will be retired.

RCW 36.145.020(1)(e): The undersigned property owner declares that CFD No. 2013-1 will be conducive to public health, safety, and welfare for the following reasons. First, the proposed District will finance Improvements (as defined above) that improve public health, safety, and welfare by improving traffic circulation and thereby reducing accidents; providing street lights thereby deterring crime and improving vehicular and pedestrian safety; facilitating the safe transmission of wastewater; mitigating flooding; providing for the transmission of stormwater; and delivering potable water. The Improvements are in the best interest of the City for several reasons. Many of the Improvements have benefits for the City, its residents and those who visit and drive through the City. Moreover, using the District to finance these Improvements allows the property owner to use other sources of funding for improvements not being financed by the District but which are very important to the City, such as early construction of a new fire station in the City. Second, the proposed District, through the application of assessments, provides a secure financing source for the Improvements that provide public health, safety, and welfare benefits to the Black Diamond CFD No. 2013-1 Property and its future residents.

RCW 36.145.020(1)(f): The purpose for forming the District is to finance portions of the Improvements. The Improvements provide special benefits to the Black Diamond CFD No. 2013-1 as summarized below.

- Road, Intersection, and Street Improvements. The primary benefits of road, intersection and street improvements are as follows:
 - a. The Improvement reconfiguring two S.R. 169 intersections, at (i) Roberts Drive and (ii) Black Diamond - Ravensdale Road will improve existing traffic conditions and ease congestion, thus providing a safer and timelier passage for cars, bicycles and pedestrians through the intersections. In addition, water quality monitoring at four locations surrounding these proposed S.R. 169 improvements will enhance stormwater control and water quality over existing conditions.
 - b. Pipeline Road implements the City's Comprehensive Plan and relieves Roberts Drive of excessive vehicle trips.
 - c. The Lake Sawyer / Pipeline Road Roundabout facilitates the City's preferred method of intersection control and slows down vehicles for safer travel. In addition, the roundabout provides an opportunity for unique landscaping within its center.
 - d. The Onsite Spine Road implements the first leg of Annexation Road in the City's Comprehensive Plan. In addition, this Improvement serves as the signature roadway with distinctive and abundant landscaping, sidewalks, bike lanes and a cross community trail.

e. The Onsite Ring Road facilitates District transportation in a general east-west orientation. This Improvement will also include bike lanes, landscaping and sidewalks on both sides of the roadway to encourage multi-modal transportation through the District.

f. Beyond the specific benefits outlined above, these Improvements will provide the following additional benefits to the District and City at large: (1) Improve traffic circulation and reduce accidents; (2) Improve the ability of pedestrians to safely navigate their way through the District; and (3) Enhance the value of the property within the District as a result of the foregoing benefits.

- Water Main Extension, Stormwater Detention Pond and Sewer Lift Station. The primary benefits of sewer, water and stormwater improvements are set forth below:

a. The Pipeline Road Water Main Extension from the current water facilities provides water service and fire flow to enable the construction and occupancy of residences and commercial facilities on previously vacant undeveloped land. This Improvement significantly improves the water system to the west side of the District, including the added benefit of water looping back to Roberts Drive, which currently does not exist.

b. The Stormwater Detention Pond is designed to detain, treat and infiltrate stormwater runoff from large portions of the District as well as other parts of The Villages MPD. The Improvement will mitigate flooding during peak rainfall storms by safely channeling and temporarily storing storm runoff. In addition, the Stormwater Detention Pond will be designed as a visual amenity and may provide both passive and active recreation (e.g., sports field and trails).

c. The Sanitary Sewer Lift Station will service the District as well as other areas of The Villages MPD by pumping wastewater to regional gravity flow sanitary sewer systems and facilitating the safe transmission of wastewater to centralized wastewater treatment facilities.

d. Beyond the specific benefits outlined above, these Improvements will provide the following additional benefits to the District: (1) Health and safety benefits resulting from construction of the subject infrastructure are the delivery of potable water, comprehensive stormwater management, and the sanitary removal of wastewater; and (2) The enhancement to the value of the property which results from the foregoing benefits.

RCW 36.145.020(1)(g): See the “obligation” attached to this Petition as Attachment 3.

RCW 36.145.020(1)(h): The Petitioners nominate the following two individuals as eligible supervisors for the District: (1) David MacDuff, as a qualified professional; and (2) Scott Buttles, as a qualified professional. Both Mr. MacDuff and Mr. Buttles are willing and able to serve on

the District's board of supervisors. Curriculum vitae for Mr. MacDuff and Mr. Buttles, as well as documentation of their consent to serve, are attached hereto as Attachment 4.

RCW 36.145.020(1)(i): Subsections (i)-(v) of this section are each addressed separately below.

(i) See the diagram showing each separate lot, tract, parcel of land, or other property in the District attached hereto as Attachment 5.

(ii) The acreage of the Black Diamond CFD No. 2013-1 Property is 377.8 acres.

(iii) The name and address of the owner of each lot/parcel as shown on the tax rolls of the King County assessor:

[see table of property owners on following page]

Lot/Parcel	Property Owner	Property Owner Address
Lot 1 (APN 152106-9098)	BD Village Partners, LP	c/o Yarrow Bay Holdings, LLC 10220 NE Points Drive, Ste 310 Kirkland, WA 98033
Lot 2 (APN 152106-9101)	BD Village Partners, LP	c/o Yarrow Bay Holdings, LLC 10220 NE Points Drive, Ste 310 Kirkland, WA 98033
Lot 3 (APN 152106-9099)	BD Village Partners, LP	c/o Yarrow Bay Holdings, LLC 10220 NE Points Drive, Ste 310 Kirkland, WA 98033
Lot 4 (APN 152106-9100)	BD Village Partners, LP	c/o Yarrow Bay Holdings, LLC 10220 NE Points Drive, Ste 310 Kirkland, WA 98033
Lot 5 (APN 152106-9104)	BD Village Partners, LP	c/o Yarrow Bay Holdings, LLC 10220 NE Points Drive, Ste 310 Kirkland, WA 98033
Lot 6 (APN 152106-9105)	BD Village Partners, LP	c/o Yarrow Bay Holdings, LLC 10220 NE Points Drive, Ste 310 Kirkland, WA 98033
Lot 7 (APN 152106-9103)	BD Village Partners, LP	c/o Yarrow Bay Holdings, LLC 10220 NE Points Drive, Ste 310 Kirkland, WA 98033
Lot 8 (APN 152106-9102)	BD Village Partners, LP	c/o Yarrow Bay Holdings, LLC 10220 NE Points Drive, Ste 310 Kirkland, WA 98033
Lot 9 (APN 152106-9109)	BD Village Partners, LP	c/o Yarrow Bay Holdings, LLC 10220 NE Points Drive, Ste 310 Kirkland, WA 98033
Lot 10 (APN 152106-9106)	BD Village Partners, LP	c/o Yarrow Bay Holdings, LLC 10220 NE Points Drive, Ste 310 Kirkland, WA 98033
Lot 11 (APN 152106-9108)	BD Village Partners, LP	c/o Yarrow Bay Holdings, LLC 10220 NE Points Drive, Ste 310 Kirkland, WA 98033
APN 152106-9096	BD Village Partners, LP	c/o Yarrow Bay Holdings, LLC 10220 NE Points Drive, Ste 310 Kirkland, WA 98033

(iv) See Preliminary Assessment Roll on following page:

Community Facility District (CFD) No. 2013-1 Preliminary Assessment Roll		
Lot/Parcel		Total \$ per Lot/Parcel
Number	Acreage	incl C.O.I/Reserve/Cap. I/Incidental
1	8.28	\$1,282,132
2	34.44	\$2,074,951
3	11.26	\$0
4	52.87	\$8,802,773
5	2.51	\$109,681
6	3.79	\$0
7	10.01	\$438,723
8	5.96	\$683,336
9	37.71	\$2,107,439
10	12.30	\$0
11	41.40	\$1,689,128
TPN -9096	157.27	\$3,282,081
Total:	377.80	\$20,470,243

(v) The proposed combination of methods for computing special assessments and determining the benefit to the assessed property from the planned facilities and improvements include the alternative and additional methods of assessment authorized by RCW 35.51.030.

RCW 36.145.020(1)(j): The security to ensure the timely payment of assessments and the timely payment of bonds issued by the District will be the Black Diamond CFD No. 2013-1 Property.

[see signature of property owner on following page]

PROPERTY OWNER:

BD VILLAGE PARTNERS, LP, a Washington limited partnership

By: Yarrow Bay Development, LLC, a Washington limited liability company
Its: General Partner

By: BRNW, Inc., a Washington corporation
Its: Member

By: 
Brian Ross
Its: President

Mailing Address: 10220 NE Points Drive, Suite 300, Kirkland, WA 98033

Telephone No.: 425-898-2100

Date: September 3, 2013

ATTACHMENT 1

BLACK DIAMOND CFD NO. 2013-1 PROPERTY

THE VILLAGES

JULY 30, 2013
REVISED SEPTEMBER 12, 2013
TRIAD PROJECT NO. 10-001

CFD NO. 2013-1 BOUNDARY
LEGAL DESCRIPTION BY METES AND BOUNDS

THAT PORTION OF SECTION 15, TOWNSHIP 21 NORTH, RANGE 6 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 15;

THENCE NORTH 01°32'55" WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 2,365.58 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 15;

THENCE NORTH 01°24'33" EAST ALONG THE WEST LINE OF NORTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 1,150.30 FEET TO THE CENTERLINE OF THE AUBURN-BLACK DIAMOND ROAD;

THENCE SOUTH 86°16'49" EAST ALONG SAID CENTERLINE, 257.90 FEET TO A POINT OF CURVE;

THENCE EASTERLY ALONG SAID CENTERLINE AND ON SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1432.39 FEET, THROUGH A CENTRAL ANGLE OF 10°00'00", AN ARC DISTANCE OF 250.00 FEET;

THENCE NORTH 83°43'11" EAST ALONG SAID CENTERLINE, 2,185.81 TO THE EAST LINE OF SAID NORTHWEST QUARTER OF SECTION 15;

THENCE SOUTH 00°27'27" WEST ALONG SAID EAST LINE, 1,407.90 FEET TO THE NORTH LINE OF THE SOUTH HALF OF SAID SECTION 15;

THENCE SOUTH 89°21'50" EAST ALONG SAID NORTH LINE, 1,956.65 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 15;

THENCE SOUTH 00°21'04" WEST ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, 2,104.13 FEET TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER OF SECTION 15;

THENCE NORTH 85°44'16" WEST ALONG SAID NORTH LINE, 654.63 FEET TO THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER;

THENCE SOUTH 00°22'34" WEST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, 687.57 FEET TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 15;

THENCE NORTH 84°32'13" WEST ALONG SAID SOUTH LINE, 2,608.87 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 15;



S:\PROJECTS\05336\CORRESPNC\TRIAD LEGALS\13-0912 10-001 Revised Legal
Description CFD No 2013 METES AND BOUNDS.doc
12112 115th Avenue NE Kirkland, Washington 98034-9623
425.821.8448 · 800.488.0756 · Fax 425.821.3481
www.triadassociates.net

Page 1 of 2

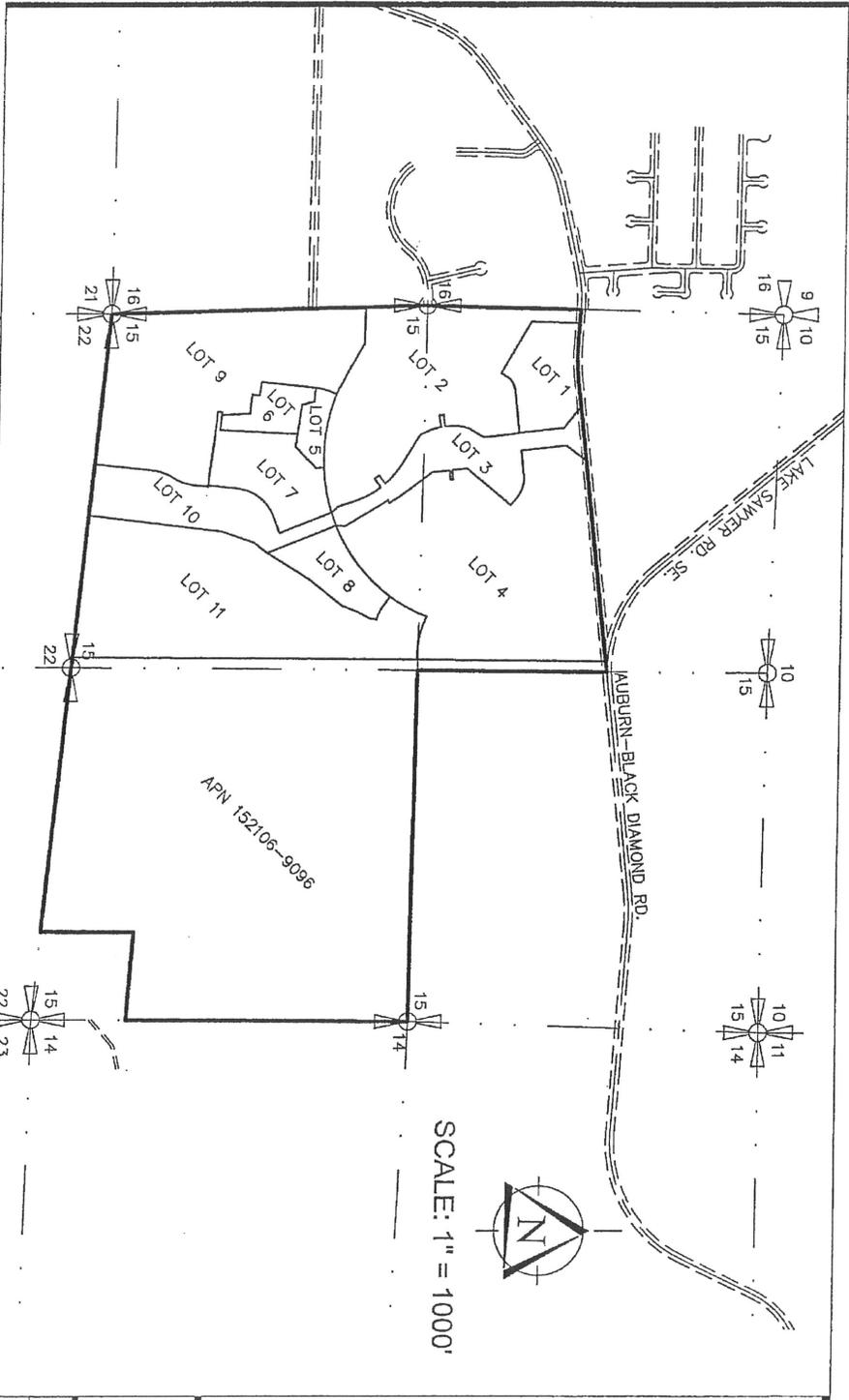
Land Development Consultants

THENCE NORTH 84°32'13" WEST ALONG THE SOUTH LINE OF THE SOUTHWEST
QUARTER OF SAID SECTION 15, A DISTANCE OF 2,624.07 FEET TO SAID
SOUTHWEST CORNER OF SAID SECTION 15 AND THE POINT OF BEGINNING.

WRITTEN BY: ARJ
CHECKED BY: MSH



S:\PROJECTS\05336\CORRSPNC\TRIAD LEGALS\13-0912 10-001 Revised Legal
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<p>TRIAD ASSOCIATES</p> <p>12112 115th Ave. NE Kirkland, WA 98034-6929 425.821.8448 www.triadassociates.net</p>		<p>CFD NO. 2013-1 BOUNDARY EXHIBIT</p>	
<p>THE VILLAGES</p>		<p>CITY OF BLACK DIAMOND, WASHINGTON</p>	
<p>MANAGER: AL FURE, PE DESIGNER: MHHM CADR: MSH CHECKED: MSH DATE: 09-12-13 SCALE: HORIZ. 1"=1000' VERT.:</p>	<p>JOB NUMBER: 10-001</p>	<p>SHEET NUMBER: 1 OF 1</p>	

ATTACHMENT 2

CERTIFICATION

BD Village Partners, LP and Yarrow Bay Development, LLC, the undersigned petitioners, voluntarily submit the Black Diamond CFD No. 2013-1 Property, as defined in Attachment 1 of the attached Petition, to the authority of the District described in the Petition pursuant to Chapter 36.145 RCW to approve the Petitioners' request to submit the Property to the assessments, up to the amount included in Section 36.145.020(1)(i) of the Petition and authorized under Chapter 36.145 RCW.

The undersigned petitioners certify under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

PETITIONERS:

BD VILLAGE PARTNERS, LP, a Washington limited partnership

By: Yarrow Bay Development, LLC, a Washington limited liability company
Its: General Partner

By: BRNW, Inc., a Washington corporation
Its: Member

By: Brian Ross
Brian Ross
Its: President

Mailing Address: 10220 NE Pointe Drive, Ste 300, Kirkland, WA 98033

YARROW BAY DEVELOPMENT, LLC, a Washington limited liability company

By: BRNW, Inc., a Washington corporation
Its: Member

By: Brian Ross
Brian Ross
Its: President

Mailing Address: 10220 NE Pointe Drive, Ste 300, Kirkland, WA 98033

ATTACHMENT 3

OBLIGATION

BD Village Partners, LP and Yarrow Bay Development, LLC certify that they are the Petitioners for the attached Petition and that they agree to pay the costs of the formation of the Black Diamond CFD No. 2013-1 pursuant to the Petition.

The undersigned petitioners certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

PETITIONERS:

BD VILLAGE PARTNERS, LP, a Washington limited partnership

By: Yarrow Bay Development, LLC, a Washington limited liability company
Its: General Partner

By: BRNW, Inc., a Washington corporation
Its: Member

By:  _____
Brian Ross
Its: President

Mailing Address: 10220 NE POINTS DRIVE, STE 300, CLYDELAND, WA 98033

YARROW BAY DEVELOPMENT, LLC, a Washington limited liability company

By: BRNW, Inc., a Washington corporation
Its: Member

By:  _____
Brian Ross
Its: President

Mailing Address: 10220 NE POINTS DRIVE, STE 300, CLYDELAND, WA 98033

ATTACHMENT 4

NOMINEES FOR BOARD OF SUPERVISORS

I, David MacDuff, hereby acknowledge that Property Owner, BD Village Partners, LP, has nominated me to serve as a supervisor on Black Diamond CFD No. 2013-1's Board of Supervisors and hereby consent to serve on such board if I am appointed by the City of Black Diamond.

David MacDuff
David MacDuff
Capital Markets, Oakpointe, LLC

8-8-13
Date

NOTARIAL CERTIFICATE

State of Washington
County of King

I certify that I know or have satisfactory evidence that **David MacDuff** is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: August 8, 2013

Megan Nelson Rubenstein
Signature

Notary
Title

My appointment expires: 1-29-15





David MacDuff

Capital Markets
(425) 898-2103

Oakpointe Team

David joined the Oakpointe team in 2004. David is currently overseeing capital markets for Oakpointe. Prior to his current responsibilities, he worked in several capacities including Chief Operating Officer and General Manager of our Black Diamond Master Planned Communities. David has over twenty-five years of experience specializing in land acquisition, finance development and sales. He brings a remarkable record of achievement in managing master planned communities to Oakpointe.

Prior to joining Oakpointe, David led the development of Talus, a 2,000-unit master planned community in Issaquah for Intracorp, directing all facets of the project from concept development, through design/engineering/permitting, construction and sale to builders. David and his team of consultants and contractors skillfully moved Talus through complicated and evolving political and regulatory processes to create win/win solutions for all. The result is an outstanding, successful community that has garnered widespread recognition and a number of awards, including the Master Builder Association Gold Nugget Citation of Merit (2003), Puget Sound Regional Council's "Vision 2020" Award (2003), Cascade Land Conservancy's inaugural New Directions Award (2003), and the Mountains to Sound Greenway Certificate of Merit (2002).

David is a graduate of Lawrence University in Wisconsin and holds an MBA from Seattle University. David serves on the board of the Mountains to Sound Greenway Trust, and is also active in the Urban Land Institute where he is a member of the Community Development District Council.

Outside of work, David is an avid outdoorsman. He and his family make their home in Preston.

I, Carson Scott Buttles, hereby acknowledge that Property Owner, BD Village Partners, LP, has nominated me to serve as a supervisor on Black Diamond CFD No. 2013-1's Board of Supervisors and hereby consent to serve on such board if I am appointed by the City of Black Diamond.

Carson Scott Buttles

Carson Scott Buttles

Owner and President, Lakeside Construction Consultants, LLC

8/8/2013

Date

NOTARIAL CERTIFICATE

State of Washington
County of King

I certify that I know or have satisfactory evidence that **Carson Scott Buttles** is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.



Dated: August 8, 2013

Megan Nelson Rubenstein
Signature

Notary
Title

My appointment expires: 1-29-15

Carson Scott Buttles
Lakeside Construction Consultants, LLC
2947 76th Ave. SE, Suite #93D Mercer Island, WA. 98040
Phone: (206) 660-0722 Fax (206) 453-3612
E-mail: carson_scott@msn.com

PROFESSIONAL PROFILE

Senior level project management in Commercial, Heavy Civil, Engineering, Very High End Residential, Real Estate Development and Construction, Environmental Impact Review and Coordination. Knowledgeable in all areas of construction and management. Have the strategic thinking and execution skills required for top level and challenging construction projects. Goal oriented with a strong understanding of project dynamics resulting in client profitability and success. Extremely creative in challenging situations.

DESIGN AND CONSTRUCTION MANAGEMENT

- Provide key leadership and project coordination for the successful design and construction management for heavy civil, infrastructure, very high end residential, development, and commercial projects
- In depth knowledge of project dynamics and coordination, building systems, underground and infrastructure, permitting, demolition, building components, site and environmental considerations, code compliance.
- Coordinate architect and contractor value engineering efforts for maximum owner benefit often achieving cost savings of 5% - 10%. Schedule work and monitor progress to maximize efficiency.
- Develop initial project budget and schedule and coordinate Team effort to successfully achieve financial and scheduling goals to meet and exceed owner expectations. Hire and monitor subcontractors and consultants.
- Develop logistics analysis and coordinate material, equipment, and manpower supply.

OWNERS REPRESENTATIVE

- Successfully manage over \$260M of high end residential projects, multi-million dollar sitework and commercial projects assuring quality outcome and value for all stakeholders.
- Relieve captains of industry and owners from the stress and vagaries of construction process on their personal residences and commercial projects while maintaining frequent and open communication process.
- Served as Owners advocate by coordinating long term construction process with municipalities and neighbors. Understand and monitor compliance with municipal and government codes and conditions.
- Coordinate engineering design and installation of electrical, gas, water, and communication infrastructure including emergency backup systems and services with building stakeholders and regulatory agencies.
- Strategically manage permit approvals for buildings, shorelines, wetlands, wildlife management, transportation and utilities. Troubleshoot where and when needed and anticipate project issues.
- Select and coordinate team of surveyors, civil, electrical, structural and mechanical engineers, systems vendors and numerous consultants. Provide needed info to them for action and monitor their performance
- Review and negotiate contract terms with contractor, vendors, attorneys
- Review and approval of all architect and contractor billings for accuracy and payment
- Establish credibility and trust with owners frequently leading to continued management of owners additional and on-going projects.
- Market analysis for project viability and/or infrastructure improvements.

Carson Scott Buttles

PROJECT MANAGEMENT

- Projects include resort hotels, office buildings, site and heavy earthwork, demolition and structural remediation, medical research labs, manufacturing facilities, golf courses, multi-family complexes, restaurants, high rise office buildings, docks and marine facilities, shipbuilding graving docks with tower gantry cranes, ski slope expansion, residential plats, hanger and flight facilities, steel fabrication facilities, manufacturing plants, electrical and gas facilities, underwater projects.
- Develop strong Team loyalty through excellent communication and first-hand expertise based on broad knowledge of all systems and goals.
- Execute on-going review of contracts including administrative change orders and scope increases
- Develop team loyalty with consultants and associates to successfully accomplish challenging designs and associated building systems and scenarios and maintain relationships over multiple projects.
- Establish and nurture professional relationships for profitably and success
- Successfully coordinate and negotiate with municipalities and provide win/win solutions to overcome bureaucratic obstacles

REAL ESTATE, SITE AND BUSINESS DEVELOPMENT

- Develop and research financial metrics for profitability profile and risk exposure
- Manage design, permitting and build-out of 3500 acres of residential plat development
- Manage and coordinate numerous large excavation and site work projects including underground electrical, bridges, temp crossings, water and sewer, surcharge, blasting operations, underwater work, piledriving, vibro-flotation, temp concrete and backfill trams, site logistics
- Continuously challenge pro forma assumptions to confirm on-going project success
- Project Pro Formas participation with site work and associated cost projections
- Knowledge and understanding of local codes and regulations including Conditions of Project Approval

LEADERSHIP

- Provide leadership and strategic thinking for challenging projects
- Develop strong Team loyalty through excellent communication and hands-on expertise.
- Empower and encourage others to contribute to the success of the project
- Identify goals, set standards, and insure adherence to best project practices

EDUCATION:

Bachelor of Science, Civil Engineering, University of Washington.

C. Scott Buttles

CAREER EXPERIENCE

<u>Owner and President,</u> LAKESIDE CONSTRUCTION CONSULTANTS, Mercer Island, Wa. Professional Design and Construction Management Consulting	2000 - present
<u>Construction Manager</u> PLUM CREEK MARKETING INC., Washington and Montana Real Estate Investment Trust plat and sitework development	2005 – 2007
<u>Owners Representative</u> VARIOUS CONFIDENTIAL OWNERS, Seattle, Wa. Design and Construction Management	1994 – 2000
<u>Project and Construction Manager</u> PORT BLAKELY TREE FARMS, Seattle, Wa. Real Estate Investment and Heavy Civil Company	1991 – 1994
<u>President</u> GENERAL WESTERN CORPORATION, Bellevue, Wa. Residential Development Company	1988 – 1991
<u>Project Manager</u> GLY CONSTRUCTION, Bellevue, Wa. Corporate Business Park building contractor	1987 -1988
<u>Project Engineer and Project Manager</u> KOLL CONSTRUCTION COMPANY, Bellevue, Wa. Business Park and High Rise Office Building developers	1984 – 1987
<u>Project Engineer</u> THRELKELD, HUNT AND ASSOCIATES, Renton, Wa. Construction Claims Litigation Support	1980 – 1984
<u>Surveyor</u> TRIAD AND ASSOCIATES, Kirkland, Wa. Part time surveyor during school holidays and summers	1976 – 1980
<u>Project Engineer</u> BROWN & ROOT, Newport News, Va. Steel Fabrication Facility and Sitework	1972 –1976

C. Scott Buttles

PROJECTS

Bumblebee Hut, Lopez Island
Behnke Residence, Laurelhurst, Wa.
Buttonwood Residence, Redmond, Wa.
Big Hawk Division, Swan River, Montana
Ashley Lake Subdivision, Kalispell, Montana
Haskells Pass Subdivision, Marion, Montana
Union Street Condo, Seattle, Wa.
Brotman Residence, Medina, Wa.
Hunts Point Residence, Hunts Point, Wa.
Schultz Residence, Seattle, Wa.
McCaw Residence, Seattle and Sun Valley
Montreaux Divisions I,II, III, Issaquah, Wa.
Redmond Ridge Community, Redmond, Wa.
Grand Ridge Community, Issaquah, Wa.
Lake of the Woods, Redmond, Wa
Genesis Software Manufacturing & Office Building
Koll Business Park, Bothell, Wa.
Koll Center High Rise Office Bldg., Bellevue, Wa.
Landau's Fine Dining, Bellevue, Wa.
Semiahmoo Resort, Blaine, Wa.
University of Alaska, NW Paint
North Rim Grand Canyon Road
Phantom Ranch Construction, Grand Canyon, Az.
Bend Oregon Sewer Blasting, Bend, Ore.
Baker River Hwy., blasting and road construction, Concrete, Wa.
Bethel Hospital, Structural NW
White Sands Missile Base, silo and barracks
McGrath-Tokotna Housing, NW Contractors
Fort Richardson Fish Hatchery, Rockford
Homer Hospital, NW Contractors
Alaska Tech Center, Kotzebue, EMA
LNG Tanker manufacturing facility construction, Newport News, Va.
Yorktown Power Plant, Yorktown, Va.

ATTACHMENT 5
PARCEL DIAGRAM

THE VILLAGES

JULY 30, 2013
REVISED SEPTEMBER 12, 2013
TRIAD PROJECT NO. 10-001

CFD NO. 2013-1 BOUNDARY
LEGAL DESCRIPTION BY PARCELS

LOT 1, BLACK DIAMOND BOUNDARY LINE ADJUSTMENT NO. PLN 10-0019,
ACCORDING TO THE BOUNDARY LINE ADJUSTMENT RECORDED UNDER
RECORDING NUMBER 20110426900005, RECORDS OF KING COUNTY,
WASHINGTON;

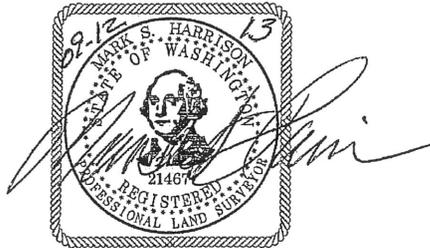
TOGETHER WITH LOTS 2 THROUGH 11, BLACK DIAMOND BOUNDARY LINE
ADJUSTMENT NO. PLN 12-0013, ACCORDING TO THE BOUNDARY LINE
ADJUSTMENT RECORDED UNDER RECORDING NUMBER 20120906900006,
RECORDS OF KING COUNTY, WASHINGTON;

AND TOGETHER WITH THE THE SOUTHEAST QUARTER OF SECTION 15,
TOWNSHIP 21 NORTH, RANGE 6 EAST, W.M., IN KING COUNTY, WASHINGTON;

AND TOGETHER WITH THAT PORTION OF THE EAST 80 FEET OF THE WEST
HALF OF SAID SECTION 15 LYING SOUTHERLY OF THE AUBURN-BLACK
DIAMOND ROAD;

EXCEPT THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE
SOUTHEAST QUARTER OF SAID SECTION 15.

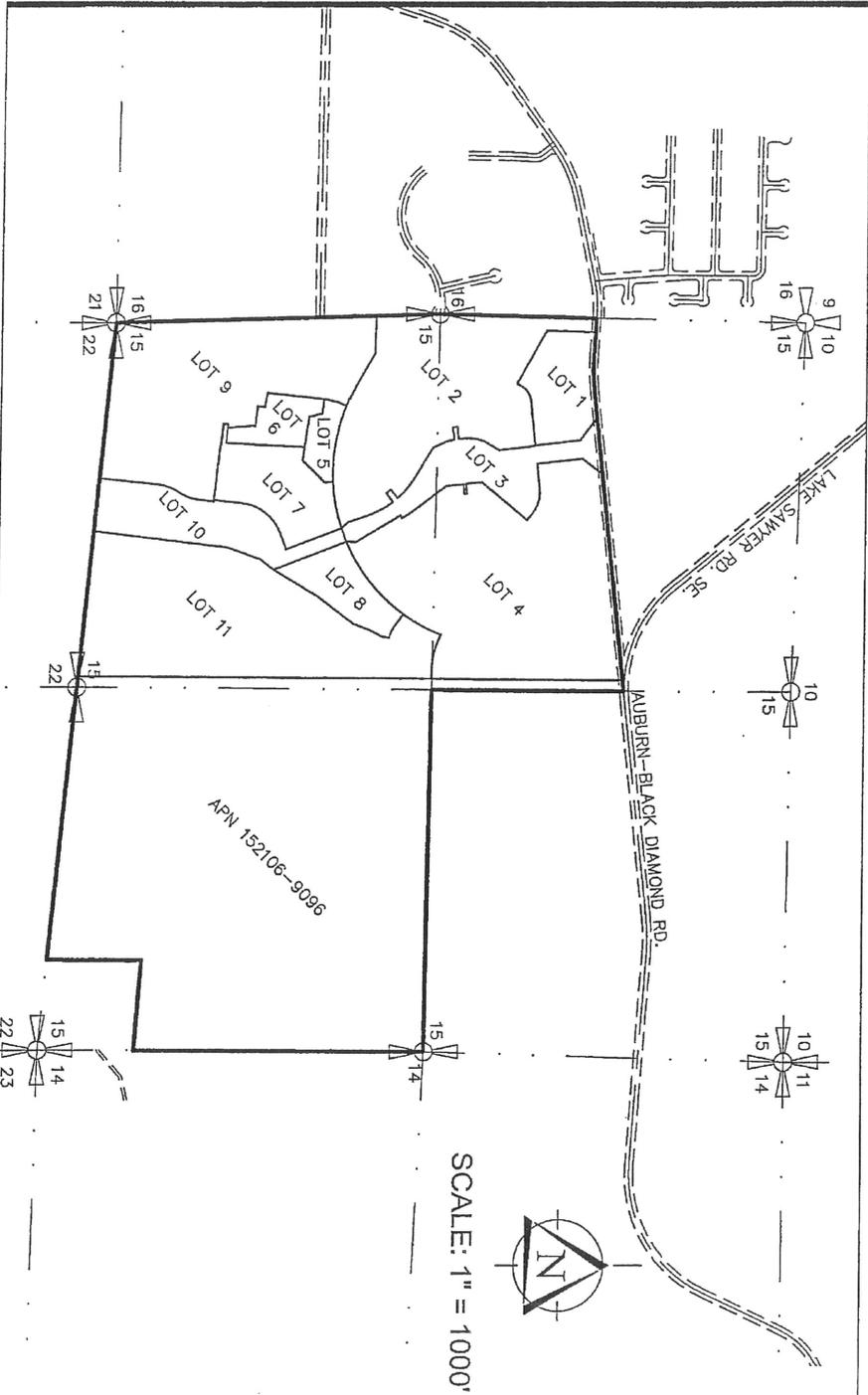
WRITTEN BY: ARJ
CHECKED BY: MSH



S:\PROJECTS\05336\CORRESPNC\TRIAD LEGALS\13-0912 10-001 Revised Legal
Description-Phase I-CFD-A.doc
12112 115th Avenue NE Kirkland, Washington 98034-9623
425.821.8448 • 800.488.0756 • Fax 425.821.3481
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Page 1 of 1

Land Development Consultants



<p>TRIAD ASSOCIATES</p> <p>12112 115th Ave. NE Kirkland, WA 98034-6929 425.821.8448 www.triadassociates.net</p>		<p>CFD NO. 2013-1 BOUNDARY EXHIBIT</p> <p>THE VILLAGES</p> <p>CITY OF BLACK DIAMOND, WASHINGTON</p>	
<p>MANAGER: AL FURE, PE DESIGNED: M/M CHECKED: MSH DATE: 09-12-13 SCALE: HORZ.: 1"=1000' VERT.:</p>	<p>JOB NUMBER 10-001</p>	<p>SHEET NUMBER 1 OF 1</p>	<p>APN 152106-9096</p>

1
2
3
4
5
6
7 **IN RE: BLACK DIAMOND**
8 **CFD NO. 2013-1**

AFFIDAVIT OF COLIN LUND

9 I, Colin Lund, am a citizen of the United States and a resident of the State of Washington,
10 am over the age of 18 years, have firsthand knowledge of the matters to which I attest below, am
11 fully competent to testify as a witness, and have sworn and do certify and declare, under penalty
12 of perjury, that the following declaration is true and correct.

13 1. I have known Brian Ross in both a personal and professional capacity for thirteen
14 (13) years.

15 2. Brian Ross is the President of BRNW, Inc., a Washington corporation.

16 3. BRNW, Inc. is a Member of Yarrow Bay Development LLC, a Washington
17 limited liability company.

18 4. Yarrow Bay Development LLC is the General Partner of BD Village Partners LP,
19 a Washington limited partnership.

20 5. On September 3, 2013, Brian Ross appeared before me and executed the Black
21 Diamond CFD No. 2013-1 Petition.

22 6. A true and correct copy of the Black Diamond CFD No. 2013-1 Petition that
23 Brian Ross executed is attached hereto.

24
25 *[signature and notarial certificate on following page]*
26

1 Dated this 3rd day of September, 2013 at Kirkland, Washington.
2
3

4 

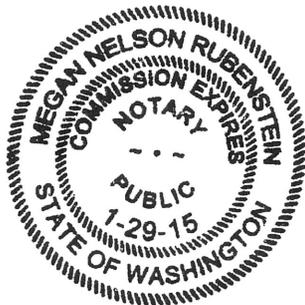
5 COLIN LUND

6
7 **NOTARIAL CERTIFICATE**

8 **State of Washington**
9 **County of King**

10 Signed and affirmed before me on September 3, 2013 by Colin Lund.

11
12 (Seal or stamp)



Dated: 9/3/2013


Signature

Megan Nelson Rubenstein
Printed Name

My appointment expires: 1-29-15

BLACK DIAMOND CFD No. 2013-1
Community Facilities District (“CFD”) Petition pursuant to Chapter 36.145 RCW

BD Village Partners, LP and YarrowBay Development, LLC (hereinafter “Petitioners”) respectfully submit this Community Facilities District Petition (the “Petition”) to the City of Black Diamond pursuant to Chapter 36.145 RCW. This Petition requests the formation of Black Diamond CFD No. 2013-1 (the “District” or “CFD No. 2013-1”), which shall include the Black Diamond CFD No. 2013-1 Property, as defined below, that is both located within the Black Diamond Urban Growth Area (“UGA”) and within the city limits of Black Diamond as required by RCW 36.145.020. The requirements for a CFD petition are set forth in RCW 36.145.020(1). Each of these requirements is addressed subsection-by-subsection below.

RCW 36.145.020(1)(a): See the metes and bounds description of the boundaries of the District attached to this Petition as Attachment 1 (hereinafter the “Black Diamond CFD No. 2013-1 Property”).

RCW 36.145.020(1)(b): The undersigned property owner hereby requests that the Black Diamond CFD No. 2013-1 Property be subject to assessments up to the amount outlined in RCW 36.145.020(1)(i)(iv) as authorized by Chapter 36.145 RCW.

RCW 36.145.020(1)(c): See the certification attached to this Petition as Attachment 2.

RCW 36.145.020(1)(d): The District’s objective is to finance portions of eight specific improvements that provide special benefits to the Black Diamond CFD No. 2013-1 Property through the application of assessments. The net amount to be assessed on each parcel within the District is proportional to the special benefit conferred on such parcel by the eight improvements. The District anticipates financing the following eight specific facilities (the “Improvements”):

- S.R. 169 / Roberts Drive / Black Diamond - Ravensdale Rd Interim Intersection – This improvement will reconfigure two intersections to increase their collective capacity to adequately operate through the completion of the District’s occupancies. Located within close proximity of each other, the two intersections are the connections of Roberts Drive to S.R. 169 and Black Diamond - Ravensdale Road to S.R. 169. Reconfiguration will change the existing Roberts Drive intersection from its current "Y" configuration to a "T" intersection. Ravensdale Road will be adjusted to align with the current Palmer Coking Coal Company access road/future Pipeline Road. Traffic signals will be installed at both intersections, replacing the current stop/yield signs. Additionally, a right turn drop lane will be added to southbound SR 169 at the Roberts Drive intersection.
- Pipeline Road Water Main Extension – This main line extension is necessary to provide water services and to satisfy fire flow requirements for the District. The construction includes extension of approximately 8,700 feet of 850 pressure zone water main from SR 169 to the Auburn-Black Diamond Road/Villages Ring Road intersection. A portion of the 8,700 feet of water main extension includes connecting to the existing water main within Bruckner's Way. An additional 800 feet of main line extending east from the Auburn-Black Diamond Road/Villages Ring Road intersection to the existing water main

within Roberts Drive near Rock Creek is also included in this project. To provide adequate fire flow and redundancy, a new tap to the City of Tacoma water main and extension to The Villages project site is also included. Construction will include two pressure reducing valves for connections to existing 750 pressure zone water mains.

- Pipeline Road (tie to interim Improvement) – This improvement will include approximately 7,300 feet of new roadway connecting the interim SR 169/Ravensdale Road intersection improvements and Lake Sawyer Road SE. The new roadway is proposed to be a two lane minor arterial per the City of Black Diamond Road Standards. The road section includes 30 feet of paving with vertical curbs along with a 4-to-6-foot planter strip and 6-foot sidewalk on both sides of the road. Construction of this project will include stormwater conveyance and management facilities.
- Lake Sawyer / Pipeline Road Roundabout – The scope of this improvement includes a single lane roundabout at the intersection of the newly constructed Pipeline Road and Lake Sawyer Road SE.
- Onsite Spine Road – The Onsite Spine Road is a street entirely within the District, intersecting Auburn - Black Diamond Road and traversing the District in a north-south orientation. The limits of construction extend south of the District boundary by approximately 500 feet, however further extensions of the road will eventually serve all Phases of the Villages MPD to the south when the MPD is entirely built out and occupied. The Onsite Spine Road through the District will consist of a single 10-foot lane in each direction with 5-foot bike lanes. Some locations within the Onsite Spine Road also include left turn lanes and planted median islands. An 8-foot wide multi-use, hard surface, cross community trail will be constructed along the section of the Onsite Spine Road. Utilities will also be installed as part of this improvement.
- Onsite Ring Road – The Onsite Ring Road connects to Auburn – Black Diamond Road and travels in a circular arc as it traverses the District properties. This road provides additional traffic capacity within the internal road network and also provides an additional point of access to the District properties for fire and safety equipment. The Onsite Ring Road will consist of a single 10-foot lane in each direction with 5-foot bike lanes and intermittent 7-foot wide parking on both sides of the road. Utilities will also be installed as part of this improvement.
- Stormwater Detention Pond – The Stormwater Detention Pond is designed to detain, treat and infiltrate stormwater runoff from large portions of the District as well as other parts of The Villages MPD. In addition, the pond serves as the ultimate overflow route for all stormwater runoff from the District that is not infiltrated or detained in other facilities within the District. The pond is located near the southern edge of the District in Lot 10.
- Sanitary Sewer Lift Station – The Sanitary Sewer Lift Station is being constructed to service the District as well as other portions of The Villages MPD. The Lift Station is located north of the Stormwater Detention Pond within Lot 10. At a later date, a higher capacity sewer lift station sized to service all of The Villages MPD (including the

District) may be constructed in a different location. In such case, this lift station will be retired.

RCW 36.145.020(1)(e): The undersigned property owner declares that CFD No. 2013-1 will be conducive to public health, safety, and welfare for the following reasons. First, the proposed District will finance Improvements (as defined above) that improve public health, safety, and welfare by improving traffic circulation and thereby reducing accidents; providing street lights thereby deterring crime and improving vehicular and pedestrian safety; facilitating the safe transmission of wastewater; mitigating flooding; providing for the transmission of stormwater; and delivering potable water. The Improvements are in the best interest of the City for several reasons. Many of the Improvements have benefits for the City, its residents and those who visit and drive through the City. Moreover, using the District to finance these Improvements allows the property owner to use other sources of funding for improvements not being financed by the District but which are very important to the City, such as early construction of a new fire station in the City. Second, the proposed District, through the application of assessments, provides a secure financing source for the Improvements that provide public health, safety, and welfare benefits to the Black Diamond CFD No. 2013-1 Property and its future residents.

RCW 36.145.020(1)(f): The purpose for forming the District is to finance portions of the Improvements. The Improvements provide special benefits to the Black Diamond CFD No. 2013-1 as summarized below.

- Road, Intersection, and Street Improvements. The primary benefits of road, intersection and street improvements are as follows:
 - a. The Improvement reconfiguring two S.R. 169 intersections, at (i) Roberts Drive and (ii) Black Diamond - Ravensdale Road will improve existing traffic conditions and ease congestion, thus providing a safer and timelier passage for cars, bicycles and pedestrians through the intersections. In addition, water quality monitoring at four locations surrounding these proposed S.R. 169 improvements will enhance stormwater control and water quality over existing conditions.
 - b. Pipeline Road implements the City's Comprehensive Plan and relieves Roberts Drive of excessive vehicle trips.
 - c. The Lake Sawyer / Pipeline Road Roundabout facilitates the City's preferred method of intersection control and slows down vehicles for safer travel. In addition, the roundabout provides an opportunity for unique landscaping within its center.
 - d. The Onsite Spine Road implements the first leg of Annexation Road in the City's Comprehensive Plan. In addition, this Improvement serves as the signature roadway with distinctive and abundant landscaping, sidewalks, bike lanes and a cross community trail.

e. The Onsite Ring Road facilitates District transportation in a general east-west orientation. This Improvement will also include bike lanes, landscaping and sidewalks on both sides of the roadway to encourage multi-modal transportation through the District.

f. Beyond the specific benefits outlined above, these Improvements will provide the following additional benefits to the District and City at large: (1) Improve traffic circulation and reduce accidents; (2) Improve the ability of pedestrians to safely navigate their way through the District; and (3) Enhance the value of the property within the District as a result of the foregoing benefits.

- Water Main Extension, Stormwater Detention Pond and Sewer Lift Station. The primary benefits of sewer, water and stormwater improvements are set forth below:

a. The Pipeline Road Water Main Extension from the current water facilities provides water service and fire flow to enable the construction and occupancy of residences and commercial facilities on previously vacant undeveloped land. This Improvement significantly improves the water system to the west side of the District, including the added benefit of water looping back to Roberts Drive, which currently does not exist.

b. The Stormwater Detention Pond is designed to detain, treat and infiltrate stormwater runoff from large portions of the District as well as other parts of The Villages MPD. The Improvement will mitigate flooding during peak rainfall storms by safely channeling and temporarily storing storm runoff. In addition, the Stormwater Detention Pond will be designed as a visual amenity and may provide both passive and active recreation (e.g., sports field and trails).

c. The Sanitary Sewer Lift Station will service the District as well as other areas of The Villages MPD by pumping wastewater to regional gravity flow sanitary sewer systems and facilitating the safe transmission of wastewater to centralized wastewater treatment facilities.

d. Beyond the specific benefits outlined above, these Improvements will provide the following additional benefits to the District: (1) Health and safety benefits resulting from construction of the subject infrastructure are the delivery of potable water, comprehensive stormwater management, and the sanitary removal of wastewater; and (2) The enhancement to the value of the property which results from the foregoing benefits.

RCW 36.145.020(1)(g): See the “obligation” attached to this Petition as Attachment 3.

RCW 36.145.020(1)(h): The Petitioners nominate the following two individuals as eligible supervisors for the District: (1) David MacDuff, as a qualified professional; and (2) Scott Buttles, as a qualified professional. Both Mr. MacDuff and Mr. Buttles are willing and able to serve on

the District's board of supervisors. Curriculum vitae for Mr. MacDuff and Mr. Buttles, as well as documentation of their consent to serve, are attached hereto as Attachment 4.

RCW 36.145.020(1)(i): Subsections (i)-(v) of this section are each addressed separately below.

(i) See the diagram showing each separate lot, tract, parcel of land, or other property in the District attached hereto as Attachment 5.

(ii) The acreage of the Black Diamond CFD No. 2013-1 Property is 377.8 acres.

(iii) The name and address of the owner of each lot/parcel as shown on the tax rolls of the King County assessor:

[see table of property owners on following page]

Lot/Parcel	Property Owner	Property Owner Address
Lot 1 (APN 152106-9098)	BD Village Partners, LP	c/o Yarrow Bay Holdings, LLC 10220 NE Points Drive, Ste 310 Kirkland, WA 98033
Lot 2 (APN 152106-9101)	BD Village Partners, LP	c/o Yarrow Bay Holdings, LLC 10220 NE Points Drive, Ste 310 Kirkland, WA 98033
Lot 3 (APN 152106-9099)	BD Village Partners, LP	c/o Yarrow Bay Holdings, LLC 10220 NE Points Drive, Ste 310 Kirkland, WA 98033
Lot 4 (APN 152106-9100)	BD Village Partners, LP	c/o Yarrow Bay Holdings, LLC 10220 NE Points Drive, Ste 310 Kirkland, WA 98033
Lot 5 (APN 152106-9104)	BD Village Partners, LP	c/o Yarrow Bay Holdings, LLC 10220 NE Points Drive, Ste 310 Kirkland, WA 98033
Lot 6 (APN 152106-9105)	BD Village Partners, LP	c/o Yarrow Bay Holdings, LLC 10220 NE Points Drive, Ste 310 Kirkland, WA 98033
Lot 7 (APN 152106-9103)	BD Village Partners, LP	c/o Yarrow Bay Holdings, LLC 10220 NE Points Drive, Ste 310 Kirkland, WA 98033
Lot 8 (APN 152106-9102)	BD Village Partners, LP	c/o Yarrow Bay Holdings, LLC 10220 NE Points Drive, Ste 310 Kirkland, WA 98033
Lot 9 (APN 152106-9109)	BD Village Partners, LP	c/o Yarrow Bay Holdings, LLC 10220 NE Points Drive, Ste 310 Kirkland, WA 98033
Lot 10 (APN 152106-9106)	BD Village Partners, LP	c/o Yarrow Bay Holdings, LLC 10220 NE Points Drive, Ste 310 Kirkland, WA 98033
Lot 11 (APN 152106-9108)	BD Village Partners, LP	c/o Yarrow Bay Holdings, LLC 10220 NE Points Drive, Ste 310 Kirkland, WA 98033
APN 152106-9096	BD Village Partners, LP	c/o Yarrow Bay Holdings, LLC 10220 NE Points Drive, Ste 310 Kirkland, WA 98033

(iv) See Preliminary Assessment Roll on following page:

Community Facility District (CFD) No. 2013-1 Preliminary Assessment Roll		
Lot/Parcel		Total \$ per Lot/Parcel
Number	Acreage	incl C.O.I/Reserve/Cap. I/Incidental
1	8.28	\$1,282,132
2	34.44	\$2,074,951
3	11.26	\$0
4	52.87	\$8,802,773
5	2.51	\$109,681
6	3.79	\$0
7	10.01	\$438,723
8	5.96	\$683,336
9	37.71	\$2,107,439
10	12.30	\$0
11	41.40	\$1,689,128
TPN -9096	157.27	\$3,282,081
Total:	377.80	\$20,470,243

(v) The proposed combination of methods for computing special assessments and determining the benefit to the assessed property from the planned facilities and improvements include the alternative and additional methods of assessment authorized by RCW 35.51.030.

RCW 36.145.020(1)(j): The security to ensure the timely payment of assessments and the timely payment of bonds issued by the District will be the Black Diamond CFD No. 2013-1 Property.

[see signature of property owner on following page]

PROPERTY OWNER:

BD VILLAGE PARTNERS, LP, a Washington limited partnership

By: Yarrow Bay Development, LLC, a Washington limited liability company
Its: General Partner

By: BRNW, Inc., a Washington corporation
Its: Member

By: 
Brian Ross
Its: President

Mailing Address: 10220 NE Points Drive, Suite 300, Kirkland, WA 98033

Telephone No.: 425-898-2100

Date: September 3, 2013

ATTACHMENT 1

BLACK DIAMOND CFD NO. 2013-1 PROPERTY

THE VILLAGES

JULY 30, 2013

REVISED SEPTEMBER 12, 2013

CFD NO. 2013-1 BOUNDARY

TRIAD PROJECT NO. 10-001

LEGAL DESCRIPTION BY METES AND BOUNDS

THAT PORTION OF SECTION 15, TOWNSHIP 21 NORTH, RANGE 6 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 15;

THENCE NORTH 01°32'55" WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 2,365.58 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 15;

THENCE NORTH 01°24'33" EAST ALONG THE WEST LINE OF NORTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 1,150.30 FEET TO THE CENTERLINE OF THE AUBURN-BLACK DIAMOND ROAD;

THENCE SOUTH 86°16'49" EAST ALONG SAID CENTERLINE, 257.90 FEET TO A POINT OF CURVE;

THENCE EASTERLY ALONG SAID CENTERLINE AND ON SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1432.39 FEET, THROUGH A CENTRAL ANGLE OF 10°00'00", AN ARC DISTANCE OF 250.00 FEET;

THENCE NORTH 83°43'11" EAST ALONG SAID CENTERLINE, 2,185.81 TO THE EAST LINE OF SAID NORTHWEST QUARTER OF SECTION 15;

THENCE SOUTH 00°27'27" WEST ALONG SAID EAST LINE, 1,407.90 FEET TO THE NORTH LINE OF THE SOUTH HALF OF SAID SECTION 15;

THENCE SOUTH 89°21'50" EAST ALONG SAID NORTH LINE, 1,956.65 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 15;

THENCE SOUTH 00°21'04" WEST ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, 2,104.13 FEET TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER OF SECTION 15;

THENCE NORTH 85°44'16" WEST ALONG SAID NORTH LINE, 654.63 FEET TO THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER;

THENCE SOUTH 00°22'34" WEST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, 687.57 FEET TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 15;

THENCE NORTH 84°32'13" WEST ALONG SAID SOUTH LINE, 2,608.87 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 15;



S:\PROJECTS\05336\CORRESPNC\TRIAD LEGALS\13-0912 10-001 Revised Legal
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Land Development Consultants

THENCE NORTH 84°32'13" WEST ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 2,624.07 FEET TO SAID SOUTHWEST CORNER OF SAID SECTION 15 AND THE POINT OF BEGINNING.

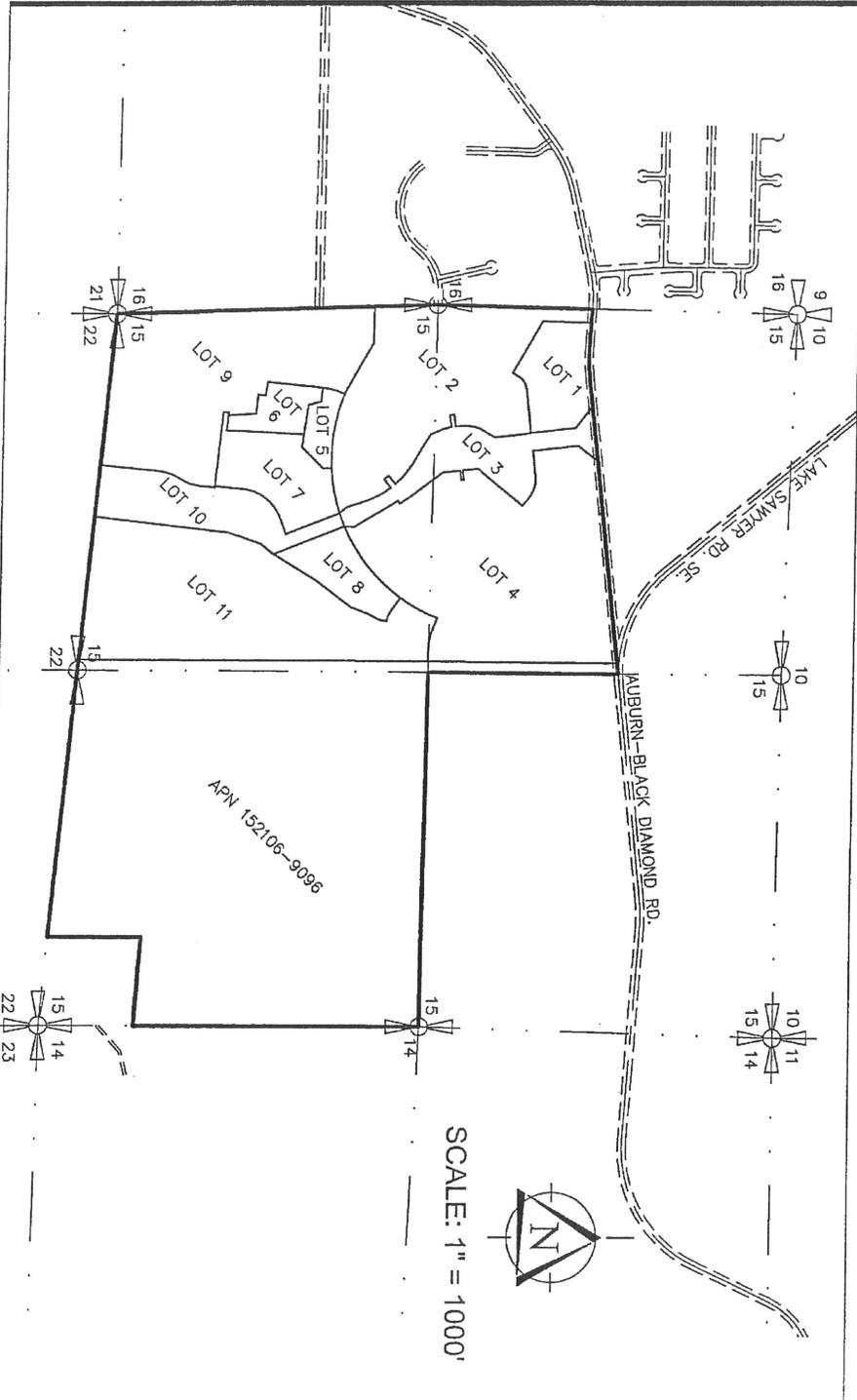
WRITTEN BY: ARJ
CHECKED BY: MSH



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SCALE: 1" = 1000'

CFD NO. 2013-1
BOUNDARY EXHIBIT

THE VILLAGES

CITY OF BLACK DIAMOND, WASHINGTON



12112 115th Ave. NE
Kirkland, WA 98034-6929
425.821.8448
www.triadassociates.net

MANAGER:	AL FURFE, PE
DESIGNER:	MJM
CHECKER:	MSH
DATE:	09-12-13
SCALE:	HORZL: 1"=1000'
VERTL:	
JOB NUMBER	10-001
SHEET NUMBER	1 OF 1

ATTACHMENT 2

CERTIFICATION

BD Village Partners, LP and Yarrow Bay Development, LLC, the undersigned petitioners, voluntarily submit the Black Diamond CFD No. 2013-1 Property, as defined in Attachment 1 of the attached Petition, to the authority of the District described in the Petition pursuant to Chapter 36.145 RCW to approve the Petitioners' request to submit the Property to the assessments, up to the amount included in Section 36.145.020(1)(i) of the Petition and authorized under Chapter 36.145 RCW.

The undersigned petitioners certify under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

PETITIONERS:

BD VILLAGE PARTNERS, LP, a Washington limited partnership

By: Yarrow Bay Development, LLC, a Washington limited liability company
Its: General Partner

By: BRNW, Inc., a Washington corporation
Its: Member

By: B N Ross
Brian Ross
Its: President

Mailing Address: 10220 NE Points Drive, Ste 300, Kirkland, WA 98033

YARROW BAY DEVELOPMENT, LLC, a Washington limited liability company

By: BRNW, Inc., a Washington corporation
Its: Member

By: B N Ross
Brian Ross
Its: President

Mailing Address: 10220 NE Points Drive, Ste 300, Kirkland, WA 98033

ATTACHMENT 3

OBLIGATION

BD Village Partners, LP and Yarrow Bay Development, LLC certify that they are the Petitioners for the attached Petition and that they agree to pay the costs of the formation of the Black Diamond CFD No. 2013-1 pursuant to the Petition.

The undersigned petitioners certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

PETITIONERS:

BD VILLAGE PARTNERS, LP, a Washington limited partnership

By: Yarrow Bay Development, LLC, a Washington limited liability company
Its: General Partner

By: BRNW, Inc., a Washington corporation
Its: Member

By: 
Brian Ross
Its: President

Mailing Address: 10220 NE POINTS DRIVE, STE 300, KIRKLAND, WA 98033

YARROW BAY DEVELOPMENT, LLC, a Washington limited liability company

By: BRNW, Inc., a Washington corporation
Its: Member

By: 
Brian Ross
Its: President

Mailing Address: 10220 NE POINTS DRIVE, STE 300, KIRKLAND, WA 98033

ATTACHMENT 4

NOMINEES FOR BOARD OF SUPERVISORS

I, David MacDuff, hereby acknowledge that Property Owner, BD Village Partners, LP, has nominated me to serve as a supervisor on Black Diamond CFD No. 2013-1's Board of Supervisors and hereby consent to serve on such board if I am appointed by the City of Black Diamond.

David MacDuff
David MacDuff
Capital Markets, Oakpointe, LLC

8-8-13
Date

NOTARIAL CERTIFICATE

State of Washington
County of King

I certify that I know or have satisfactory evidence that **David MacDuff** is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: August 8, 2013

Megan Nelson Rubenstein
Signature

Notary
Title

My appointment expires: 1-29-15





David MacDuff
Capital Markets
(425) 898-2103

Oakpointe Team

David joined the Oakpointe team in 2004. David is currently overseeing capital markets for Oakpointe. Prior to his current responsibilities, he worked in several capacities including Chief Operating Officer and General Manager of our Black Diamond Master Planned Communities. David has over twenty-five years of experience specializing in land acquisition, finance development and sales. He brings a remarkable record of achievement in managing master planned communities to Oakpointe.

Prior to joining Oakpointe, David led the development of Talus, a 2,000-unit master planned community in Issaquah for Intracorp, directing all facets of the project from concept development, through design/engineering/permitting, construction and sale to builders. David and his team of consultants and contractors skillfully moved Talus through complicated and evolving political and regulatory processes to create win/win solutions for all. The result is an outstanding, successful community that has garnered widespread recognition and a number of awards, including the Master Builder Association Gold Nugget Citation of Merit (2003), Puget Sound Regional Council's "Vision 2020" Award (2003), Cascade Land Conservancy's inaugural New Directions Award (2003), and the Mountains to Sound Greenway Certificate of Merit (2002).

David is a graduate of Lawrence University in Wisconsin and holds an MBA from Seattle University. David serves on the board of the Mountains to Sound Greenway Trust, and is also active in the Urban Land Institute where he is a member of the Community Development District Council.

Outside of work, David is an avid outdoorsman. He and his family make their home in Preston.

I, Carson Scott Buttles, hereby acknowledge that Property Owner, BD Village Partners, LP, has nominated me to serve as a supervisor on Black Diamond CFD No. 2013-1's Board of Supervisors and hereby consent to serve on such board if I am appointed by the City of Black Diamond.

Carson Scott Buttles

8/8/2013

Carson Scott Buttles
Date
Owner and President, Lakeside Construction Consultants, LLC

NOTARIAL CERTIFICATE

State of Washington
County of King

I certify that I know or have satisfactory evidence that **Carson Scott Buttles** is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.



Dated: August 8, 2013

Megan Nelson Rubenstein
Signature

Notary
Title

My appointment expires: 1-29-15

Carson Scott Buttles
Lakeside Construction Consultants, LLC
2947 76th Ave. SE, Suite #93D Mercer Island, WA. 98040
Phone: (206) 660-0722 Fax (206) 453-3612
E-mail: carson_scott@msn.com

PROFESSIONAL PROFILE

Senior level project management in Commercial, Heavy Civil, Engineering, Very High End Residential, Real Estate Development and Construction, Environmental Impact Review and Coordination. Knowledgeable in all areas of construction and management. Have the strategic thinking and execution skills required for top level and challenging construction projects. Goal oriented with a strong understanding of project dynamics resulting in client profitability and success. Extremely creative in challenging situations.

DESIGN AND CONSTRUCTION MANAGEMENT

- Provide key leadership and project coordination for the successful design and construction management for heavy civil, infrastructure, very high end residential, development, and commercial projects
- In depth knowledge of project dynamics and coordination, building systems, underground and infrastructure, permitting, demolition, building components, site and environmental considerations, code compliance.
- Coordinate architect and contractor value engineering efforts for maximum owner benefit often achieving cost savings of 5% - 10%. Schedule work and monitor progress to maximize efficiency.
- Develop initial project budget and schedule and coordinate Team effort to successfully achieve financial and scheduling goals to meet and exceed owner expectations. Hire and monitor subcontractors and consultants.
- Develop logistics analysis and coordinate material, equipment, and manpower supply.

OWNERS REPRESENTATIVE

- Successfully manage over \$260M of high end residential projects, multi-million dollar sitework and commercial projects assuring quality outcome and value for all stakeholders.
- Relieve captains of industry and owners from the stress and vagaries of construction process on their personal residences and commercial projects while maintaining frequent and open communication process.
- Served as Owners advocate by coordinating long term construction process with municipalities and neighbors. Understand and monitor compliance with municipal and government codes and conditions.
- Coordinate engineering design and installation of electrical, gas, water, and communication infrastructure including emergency backup systems and services with building stakeholders and regulatory agencies.
- Strategically manage permit approvals for buildings, shorelines, wetlands, wildlife management, transportation and utilities. Troubleshoot where and when needed and anticipate project issues.
- Select and coordinate team of surveyors, civil, electrical, structural and mechanical engineers, systems vendors and numerous consultants. Provide needed info to them for action and monitor their performance
- Review and negotiate contract terms with contractor, vendors, attorneys
- Review and approval of all architect and contractor billings for accuracy and payment
- Establish credibility and trust with owners frequently leading to continued management of owners additional and on-going projects.
- Market analysis for project viability and/or infrastructure improvements.

Carson Scott Buttles

PROJECT MANAGEMENT

- Projects include resort hotels, office buildings, site and heavy earthwork, demolition and structural remediation, medical research labs, manufacturing facilities, golf courses, multi-family complexes, restaurants, high rise office buildings, docks and marine facilities, shipbuilding graving docks with tower gantry cranes, ski slope expansion, residential plats, hanger and flight facilities, steel fabrication facilities, manufacturing plants, electrical and gas facilities, underwater projects.
- Develop strong Team loyalty through excellent communication and first-hand expertise based on broad knowledge of all systems and goals.
- Execute on-going review of contracts including administrative change orders and scope increases
- Develop team loyalty with consultants and associates to successfully accomplish challenging designs and associated building systems and scenarios and maintain relationships over multiple projects.
- Establish and nurture professional relationships for profitably and success
- Successfully coordinate and negotiate with municipalities and provide win/win solutions to overcome bureaucratic obstacles

REAL ESTATE, SITE AND BUSINESS DEVELOPMENT

- Develop and research financial metrics for profitability profile and risk exposure
- Manage design, permitting and build-out of 3500 acres of residential plat development
- Manage and coordinate numerous large excavation and site work projects including underground electrical, bridges, temp crossings, water and sewer, surcharge, blasting operations, underwater work, piledriving, vibro-flotation, temp concrete and backfill trams, site logistics
- Continuously challenge pro forma assumptions to confirm on-going project success
- Project Pro Formas participation with site work and associated cost projections
- Knowledge and understanding of local codes and regulations including Conditions of Project Approval

LEADERSHIP

- Provide leadership and strategic thinking for challenging projects
- Develop strong Team loyalty through excellent communication and hands-on expertise.
- Empower and encourage others to contribute to the success of the project
- Identify goals, set standards, and insure adherence to best project practices

EDUCATION:

Bachelor of Science, Civil Engineering, University of Washington.

C. Scott Buttles

CAREER EXPERIENCE

<u>Owner and President,</u> LAKESIDE CONSTRUCTION CONSULTANTS, Mercer Island, Wa. Professional Design and Construction Management Consulting	2000 - present
<u>Construction Manager</u> PLUM CREEK MARKETING INC., Washington and Montana Real Estate Investment Trust plat and sitework development	2005 – 2007
<u>Owners Representative</u> VARIOUS CONFIDENTIAL OWNERS, Seattle, Wa. Design and Construction Management	1994 – 2000
<u>Project and Construction Manager</u> PORT BLAKELY TREE FARMS, Seattle, Wa. Real Estate Investment and Heavy Civil Company	1991 – 1994
<u>President</u> GENERAL WESTERN CORPORATION, Bellevue, Wa. Residential Development Company	1988 – 1991
<u>Project Manager</u> GLY CONSTRUCTION, Bellevue, Wa. Corporate Business Park building contractor	1987 -1988
<u>Project Engineer and Project Manager</u> KOLL CONSTRUCTION COMPANY, Bellevue, Wa. Business Park and High Rise Office Building developers	1984 – 1987
<u>Project Engineer</u> THRELKELD, HUNT AND ASSOCIATES, Renton, Wa. Construction Claims Litigation Support	1980 – 1984
<u>Surveyor</u> TRIAD AND ASSOCIATES, Kirkland, Wa. Part time surveyor during school holidays and summers	1976 – 1980
<u>Project Engineer</u> BROWN & ROOT, Newport News, Va. Steel Fabrication Facility and Sitework	1972 –1976

C. Scott Buttles

PROJECTS

Bumblebee Hut, Lopez Island
Behnke Residence, Laurelhurst, Wa.
Buttonwood Residence, Redmond, Wa.
Big Hawk Division, Swan River, Montana
Ashley Lake Subdivision, Kalispell, Montana
Haskells Pass Subdivision, Marion, Montana
Union Street Condo, Seattle, Wa.
Brotman Residence, Medina, Wa.
Hunts Point Residence, Hunts Point, Wa.
Schultz Residence, Seattle, Wa.
McCaw Residence, Seattle and Sun Valley
Montreaux Divisions I,II, III, Issaquah, Wa.
Redmond Ridge Community, Redmond, Wa.
Grand Ridge Community, Issaquah, Wa.
Lake of the Woods, Redmond, Wa
Genesis Software Manufacturing & Office Building
Koll Business Park, Bothell, Wa.
Koll Center High Rise Office Bldg., Bellevue, Wa.
Landau's Fine Dining, Bellevue, Wa.
Semiahmoo Resort, Blaine, Wa.
University of Alaska, NW Paint
North Rim Grand Canyon Road
Phantom Ranch Construction, Grand Canyon, Az.
Bend Oregon Sewer Blasting, Bend, Ore.
Baker River Hwy., blasting and road construction, Concrete, Wa.
Bethel Hospital, Structural NW
White Sands Missile Base, silo and barracks
McGrath-Tokotna Housing, NW Contractors
Fort Richardson Fish Hatchery, Rockford
Homer Hospital, NW Contractors
Alaska Tech Center, Kotzebue, EMA
LNG Tanker manufacturing facility construction, Newport News, Va.
Yorktown Power Plant, Yorktown, Va.

ATTACHMENT 5
PARCEL DIAGRAM

THE VILLAGES
CFD NO. 2013-1 BOUNDARY
LEGAL DESCRIPTION BY PARCELS

JULY 30, 2013
REVISED SEPTEMBER 12, 2013
TRIAD PROJECT NO. 10-001

LOT 1, BLACK DIAMOND BOUNDARY LINE ADJUSTMENT NO. PLN 10-0019,
ACCORDING TO THE BOUNDARY LINE ADJUSTMENT RECORDED UNDER
RECORDING NUMBER 20110426900005, RECORDS OF KING COUNTY,
WASHINGTON;

TOGETHER WITH LOTS 2 THROUGH 11, BLACK DIAMOND BOUNDARY LINE
ADJUSTMENT NO. PLN 12-0013, ACCORDING TO THE BOUNDARY LINE
ADJUSTMENT RECORDED UNDER RECORDING NUMBER 20120906900006,
RECORDS OF KING COUNTY, WASHINGTON;

AND TOGETHER WITH THE THE SOUTHEAST QUARTER OF SECTION 15,
TOWNSHIP 21 NORTH, RANGE 6 EAST, W.M., IN KING COUNTY, WASHINGTON;

AND TOGETHER WITH THAT PORTION OF THE EAST 80 FEET OF THE WEST
HALF OF SAID SECTION 15 LYING SOUTHERLY OF THE AUBURN-BLACK
DIAMOND ROAD;

EXCEPT THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE
SOUTHEAST QUARTER OF SAID SECTION 15.

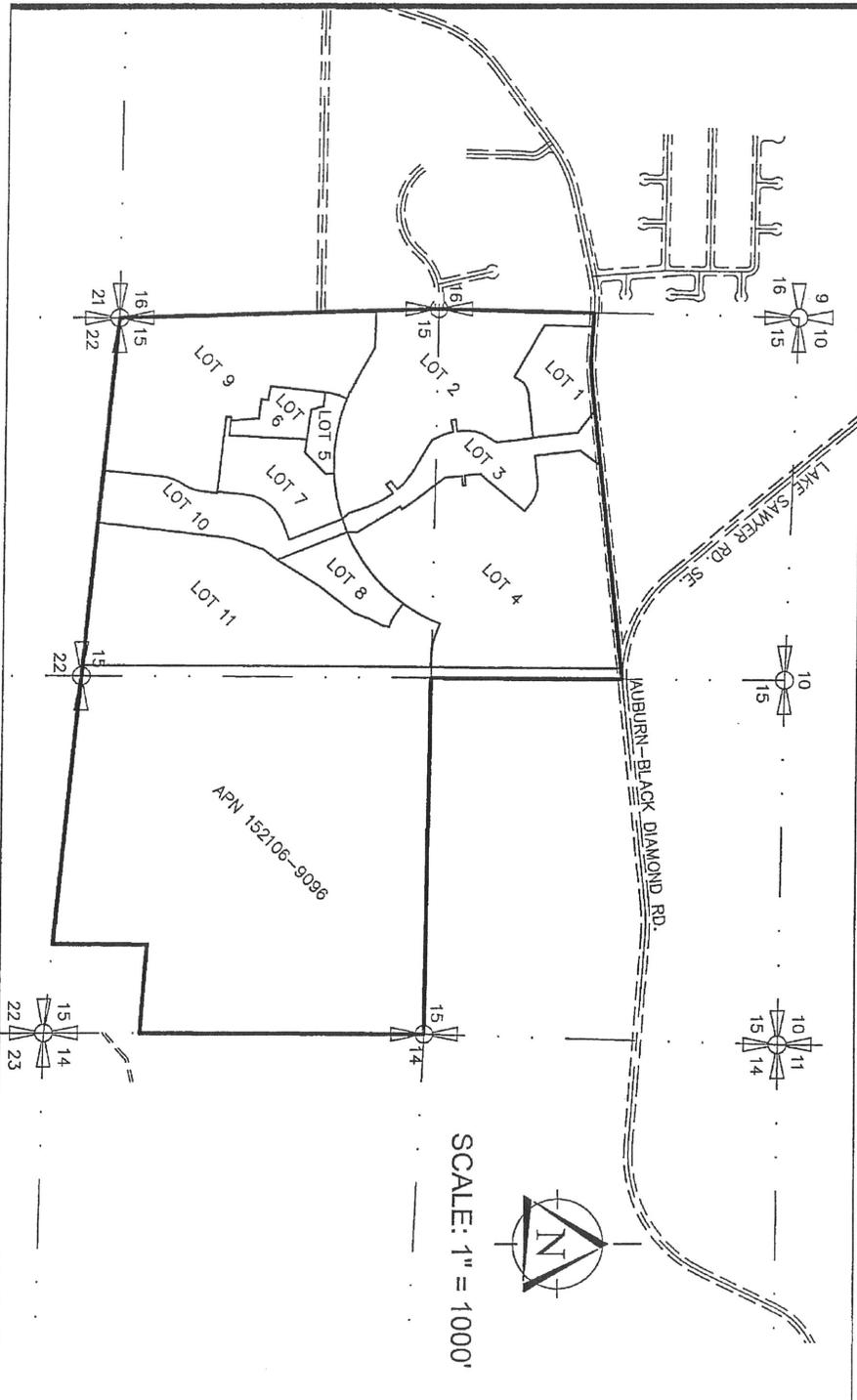
WRITTEN BY: ARJ
CHECKED BY: MSH



S:\PROJECTS\05336\CORRSPNC\TRIAD LEGALS\13-0912 10-001 Revised Legal
Description-Phase 1-CFD-A.doc
12112 115th Avenue NE Kirkland, Washington 98034-9623
425.821.8448 • 800.488.0756 • Fax 425.821.3481
www.triadassociates.net

Page 1 of 1

Land Development Consultants



CFD NO. 2013-1 BOUNDARY EXHIBIT		 12112 115th Ave. NE Kirkland, WA 98034-6929 425.821.8448 www.triadassociates.net
THE VILLAGES		
CITY OF BLACK DIAMOND, WASHINGTON		
MANAGER: AL FURE, PE DESIGNER: M/M CADD: MSH CHECKED: MSH DATE: 09-12-13 SCALE: HORIZ. 1"=1000' VERT.	JOB NUMBER 10-001	
SHEET NUMBER 1 OF 1		



September 12, 2013

This letter is to certify that BD Village Partners, LP, a Washington Limited Partnership is the vested owner of the lots listed below:

1. Lot 1 1521069098
2. Lot 2 1521069101
3. Lot 3 1521069099
4. Lot 4 1521069100
5. Lot 5 1521069104
6. Lot 6 1521069105
7. Lot 7 1521069103
8. Lot 8 1521069102
9. Lot 9 1521069109
10. Lot 10 1521069106
11. Lot 11 1521069108
12. Parcel Number 152106-9096

BD Village Partners, LP acquired the property via a Special Warranty Deed recorded in King County on September 22, 2006 under Recording Number 20060922001106 and Excise Number E2238528.

I have attached a certified recorded copy of the Special Warranty Deed.

Thank you and have a wonderful day.


Kristi K. Mathis

ahill@oakpointe.com



July 26, 2013

Good Afternoon Angela,

This letter is to certify that BD Village Partners, LP a Washington Limited Partnership is the vested owner of the lots listed below:

1. Lot 1 1521069098
2. Lot 2 1521069101
3. Lot 3 1521069099
4. Lot 4 1521069100
5. Lot 5 1521069104
6. Lot 6 1521069105
7. Lot 7 1521069103
8. Lot 8 1521069102
9. Lot 9 1521069109
10. Lot 10 1521069106
11. Lot 11 1521069108

BD Village Partners, LP acquired the property via a Special Warranty Deed recorded in King County Courthouse on September 22, 2006, under Recording Number 20060922001106 and Excise Number E2238528.

I have attached a certified recorded copy of the Special Warranty Deed.

Thank you and have a great evening,

A handwritten signature in cursive script that reads "Michelle Prehara".

Michelle

3224 Wetmore Avenue, Everett, WA 98201

(425) 258-4104

Recording Requested By And
When Recorded Mail To:
Stewart Title Guaranty Company
1000 Second Avenue, Suite 1620
Seattle, Washington 98104
File No. 560-9.05-1670



20060922001106
41.00

STEWART TITLE WD
PAGE001 OF 010
09/22/2006 13:38
KING COUNTY, WA

E2238528

09/22/2006 13:34
KING COUNTY, WA
TAX \$785,405.00
SALE \$43,000,000.00

PAGE001 OF 001

STEWART TITLE
206127589 (10)

Grantor: Plum Creek Land Company, a Delaware corporation
Grantee: BD Village Partners LP, a Washington limited partnership
Legal Description (abbreviated): Portions of SW1/4 of Section 2 and SE1/4SE1/4 of Section 3,
each in Township 21 North, Range 6 East, W.M.; W1/2NW1/4 of Section 11, Township 21
North, Range 6 East, W.M.; Portions of Section 15, Township 21 North, Range 6 East, W.M.;
Portions of the N1/2 and NW1/4SW1/4 of Section 23, Township 21 North, Range 6 East, W.M.;
Portion of NW1/4NW1/4 of Section 27, Township 21 North, Range 6 East, W.M.; legal
descriptions contained on Exhibit "A" attached hereto.
Assessor's Tax Parcel ID#: 32106-9015-00; 22106-9024-00; 32106-9076-06; 32106-9001-06;
112106-9006-01; 112106-9109-07; 152106-9005-08; 152106-9097-07; 152106-9098-06;
152106-9099-05; 152106-9100-02; 152106-9101-01; 152106-9102-00; 152106-9103-09;
152106-9104-08; 152106-9105-07; 152106-9106-06; 152106-9108-04; 152106-9109-03;
152106-9096-08; 232106-9001-02; 232106-9046-09; 232106-9047-08; 232106-9048-07;
232106-9049-06; 232106-9050-02; 232106-9054-08; 232106-9003-00; 232106-9057-05;
232106-9058-04; 232106-9051-01; 232106-9052-00; 232106-9053-09; 272106-9056-02.

SPECIAL WARRANTY DEED

THE GRANTOR, PLUM CREEK LAND COMPANY, a Delaware corporation, with its principal place of business located at 999 Third Avenue, Suite 4300, Seattle, Washington 98104, ("Grantor") for and in consideration of Ten and 00/100 Dollars (\$10.00), and other good and valuable consideration in hand paid, grants, conveys and warrants to BD VILLAGE PARTNERS LP, a Washington limited partnership, whose address is c/o Yarrow Bay Development, 825 Fifth Avenue, Suite 202, Kirkland, Washington 98033 ("Grantee"), its successors and assigns, the real estate, situated in the County of King, State of Washington legally described on Exhibit "A" attached hereto and incorporated herein by this reference as though fully set forth (the "Property").

SUBJECT TO the following permitted exceptions:

- (i) liens for taxes, assessments and other governmental charges which are not yet due and payable as of the date hereof;

(ii) all land use (including environmental and wetlands), building and zoning laws, regulations, codes and ordinances affecting the Property;

(iii) any rights of the United States of America, the State in which the Property is located or others in the use and continuous flow of any brooks, streams or other natural water courses or water bodies within, crossing or abutting the Property, including, without limitation, riparian rights and navigational servitudes;

(iv) all easements, rights-of-way, licenses and other such similar encumbrances apparent or of record;

(v) all existing public and private roads and streets and all railroad and utility lines, pipelines, service lines and facilities;

(vi) all encroachments, overlaps, boundary line disputes, shortages in area, persons in possession, cemeteries and burial grounds and other matters not of record which would be disclosed by an accurate survey or inspection of the Property;

(vii) prior reservations or conveyances of mineral rights or mineral leases of every kind and character; and further

SUBJECT TO those encumbrances shown on **Exhibit "B"** attached hereto and incorporated herein by this reference as though fully set forth.

TOGETHER, with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

And the said Grantor hereby covenants that it will forever WARRANT and DEFEND all right, title and interest in and to said premises, and the quiet and peaceable possession thereof, unto the said Grantee, its successors and assigns, against the acts and deeds of said Grantor, and all and every person and persons whomsoever lawfully claiming or to claim the same.

EXHIBIT A

PARCEL A:

LOTS U, W, X, Y AND Z OF KING COUNTY BOUNDARY LINE ADJUSTMENT NO. L05L0097, RECORDED UNDER RECORDING NO. 20051209900003, SITUATE IN SECTIONS 2 AND 3, TOWNSHIP 21 NORTH, RANGE 6 EAST, W.M., IN KING COUNTY, WASHINGTON.

PARCEL B:

THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 21 NORTH, RANGE 6 EAST, W.M., IN KING COUNTY, WASHINGTON;

PARCELS C, D, AND E:

ALL OF SECTION 15, TOWNSHIP 21 NORTH, RANGE 6 EAST, W.M., IN KING COUNTY, WASHINGTON;

EXCEPT THE NORTHEAST QUARTER THEREOF;
ALSO EXCEPT THAT PORTION OF THE NORTHWEST QUARTER THEREOF LYING NORTHERLY OF THE CENTERLINE OF MAPLE VALLEY-LAKE SAWYER ROAD;

ALSO EXCEPT THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER THEREOF.

PARCEL F:

THAT PORTION OF SECTION 23, TOWNSHIP 21 NORTH, RANGE 6 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER, AND THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, LYING WESTERLY OF THE WESTERLY MARGIN OF THE ENUMCLAW-BLACK DIAMOND ROAD (SR 169) RIGHT OF WAY;

TOGETHER WITH:

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE SOUTH HALF OF THE NORTHWEST QUARTER;

AND TOGETHER WITH:

THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER;

AND TOGETHER WITH:

THE SOUTH HALF OF THE NORTHEAST QUARTER LYING SOUTHWESTERLY
OF THE SOUTHWESTERLY MARGIN OF ENUMCLAW-BLACK DIAMOND
ROAD (SR 169) RIGHT OF WAY;

AND TOGETHER WITH:

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE
NORTHWEST QUARTER, AND THE SOUTH HALF OF THE NORTHWEST
QUARTER OF THE NORTHWEST QUARTER;

TOGETHER WITH:

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST
QUARTER OF THE NORTHEAST QUARTER, LYING NORTHERLY OF THE
FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT OF THE EAST LINE OF SAID NORTHEAST QUARTER
OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND 600
FEET SOUTH OF THE NORTHEAST SECTION CORNER OF SAID SECTION;
THENCE EXTENDING IN A NORTHWESTERLY DIRECTION TO A POINT ON
THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST
QUARTER OF THE NORTHEAST QUARTER AND 330 FEET SOUTH OF THE
NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHEAST
QUARTER OF THE NORTHEAST QUARTER.

PARCEL G:

LOT A OF KING COUNTY BOUNDARY LINE ADJUSTMENT NO. L05L0096 AS
RECORDED UNDER RECORDING NO. 20051209900002, SITUATE IN SECTION
27, TOWNSHIP 21 NORTH RANGE 6 EAST, W.M., IN KING COUNTY,
WASHINGTON.

EXHIBIT "B"
King County, Washington

1. RESERVATIONS OF OIL AND GAS, INCLUDING THE TERMS AND CONDITIONS THEREOF:
 RESERVING: MINERALS
 RESERVED BY: PCTC, INC., A DELAWARE CORPORATION
 RECORDED: JULY 7, 1989
 RECORDING NO.: 8907070390
 (INCLUDES OTHER PROPERTY)

SAID INSTRUMENT WAS CORRECTED BY A CORRECTION DEED RECORDED UNDER RECORDING NO. 9301152402.

CONVEYANCE OF OIL AND GAS RESERVED UNDER DEED TO PLUM CREEK TIMBER COMPANY L.P.:
 GRANTOR: PCTC, INC., A DELAWARE CORPORATION
 GRANTEE: MERIDIAN OIL INC.
 RECORDED: JULY 7, 1989
 RECORDING NO.: 8907070392

PARTIAL WAIVER OF SURFACE USE RIGHTS BY MERIDIAN OIL INC. UNDER RECORDING NO. 9206230401.

CONVEYANCE OF RESERVED MINERAL RIGHTS BY DEED RECORDED UNDER RECORDING NO. 8907070391. SAID RIGHTS WERE FURTHER CONVEYED TO THE VESTEE HEREIN BY DEED RECORDED UNDER RECORDING NO. 9112301747.

2. AGREEMENT AND THE TERMS AND CONDITIONS THEREOF:
 BETWEEN: PACIFIC COAST COAL COMPANY
 AND: THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY
 RECORDED: JUNE 27, 1922
 RECORDING NUMBER: 1629726
 PURPOSE: TELEPHONE LINE ON PARCEL B

3. LICENSE, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN:
 RECORDED: APRIL 16, 1923
 RECORDING NO.: 1726627
 IN FAVOR OF: THE PACIFIC TELEPHONE AND TELEGRAPH
 COMPANY
 TELEPHONE LINE
 FOR: PARCELS B AND F AND OTHER PROPERTY
 AFFECTS:
4. STORM DRAINAGE DITCH EASEMENT, INCLUDING TERMS AND
 PROVISIONS CONTAINED THEREIN:
 RECORDED: OCTOBER 20, 2004
 RECORDING NO.: 20041020001208
 IN FAVOR OF: BLACK DIAMOND DEVELOPMENT
 COMPANY LLC
 FOR: STORM DRAINAGE DITCH
 AFFECTS: PORTION OF PARCEL B
5. TERMS AND CONDITIONS OF MEMORANDUM OF PLUM CREEK LAND
 COMPANY IN CITY WATER SUPPLY AND FACILITIES FUNDING
 AGREEMENT
 RECORDED: MARCH 21, 2005
 RECORDING NO.: 20050321000922
 (AFFECTS: PARCELS B, E, AND F)
6. RIGHTS OF THE PUBLIC, IF ANY, EXISTING AT THE DATE HEREOF TO
 THAT PORTION OF THE PROPERTY, IF ANY, LYING WITHIN MAPLE
 VALLEY-BLACK DIAMOND ROAD, ALSO KNOWN AS THE BLACK
 DIAMOND-ENUMCLAW ROAD (STATE HIGHWAY NO. 169).
7. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN:
 RECORDED: JANUARY 16, 1975
 RECORDING NO.: 7501160277
 IN FAVOR OF: ROBERT O. WESSELER AND LUELLE
 HIS WIFE
 WESSELER,
 FOR: ROAD AND UTILITIES
 AFFECTS: WEST 30 FEET OF THE SOUTHWEST
 QUARTER AND A PORTION OF THE WEST 30
 FEET OF THE NORTHWEST QUARTER
 IN PARCEL D

8. WELLSITE COVENANTS AND RESTRICTIONS CONTAINED IN INSTRUMENT:
 RECORDED: MAY 12, 1986
 RECORDING NUMBER(S): 8605120831
 (AFFECTS: WESTERLY BOUNDARY OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, IN PARCEL D)
9. LICENSE, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN:
 RECORDED: MAY 16, 1923
 RECORDING NO.: 1738332
 IN FAVOR OF: THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY
 FOR: TELEPHONE LINE
 AFFECTS: PARCEL F AND OTHER PROPERTY
10. RIGHTS OF THE GENERAL PUBLIC TO THE UNRESTRICTED USE OF ALL THE WATERS OF A NAVIGABLE BODY OF WATER NOT ONLY FOR THE PRIMARY PURPOSE OF NAVIGATION, BUT ALSO FOR COROLLARY PURPOSES; INCLUDING (BUT NOT LIMITED TO) FISHING, BOATING, BATHING, SWIMMING, WATER SKIING AND OTHER RELATED RECREATIONAL PURPOSES, AS THOSE WATERS MAY AFFECT THE TIDELANDS, SHORELANDS OR ADJOINING UPLANDS AND WHETHER THE LEVEL OF THE WATER HAS BEEN RAISED NATURALLY OR ARTIFICIALLY TO A MAINTAINED OR FLUCTUATING LEVEL, ALL AS FURTHER DEFINED BY THE DECISIONAL LAW OF THIS STATE. (AFFECTS ALL OF PARCEL F SUBJECT TO SUCH SUBMERGENCE, BEING THE UNNAMED CREEK AND BLACK DIAMOND LAKE.)
11. INTENTIONALLY DELETED.
12. RIGHTS OF THE PUBLIC, IF ANY, EXISTING AS OF THE DATE HEREOF, TO THAT PORTION OF THE PROPERTY LYING WITHIN 257TH AVENUE SOUTHEAST, ACROSS A PORTION OF PARCEL F.

13. PEDESTRIAN, BICYCLE, EQUESTRIAN TRAIL EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

GRANTOR: PLUM CREEK LAND COMPANY, A
 DELAWARE CORPORATION
 GRANTEE: CITY OF BLACK DIAMOND, A WASHINGTON
 MUNICIPAL CORPORATION
 DATED: MARCH 21, 2006
 RECORDED: MARCH 23, 2006
 RECORDING NUMBER: 20060323001825

(AFFECTS THE WEST 100 FEET OF THE WEST ½ OF THE WEST ½ OF SECTION 15, TOWNSHIP 21 NORTH, RANGE 6 EAST, W.M., BEING A PORTION OF PARCEL C, D AND E)

14. CONSERVATION EASEMENT DEED AND THE TERMS AND CONDITIONS THEREOF:

GRANTOR: PLUM CREEK LAND COMPANY, A
 DELAWARE CORPORATION
 GRANTEE: CITY OF BLACK DIAMOND, A WASHINGTON
 MUNICIPAL CORPORATION
 DATED: MARCH 21, 2006
 RECORDED: MARCH 23, 2006
 RECORDING NUMBER: 20060323001818

(AFFECTS THAT PORTION OF PARCEL C, D AND E IN THE WEST ½ OF SECTION 15, TOWNSHIP 21 NORTH, RANGE 6 EAST, W.M.)

15. CONSERVATION EASEMENT DEED AND THE TERMS AND CONDITIONS THEREOF:

GRANTOR: PLUM CREEK LAND COMPANY, A
 DELAWARE CORPORATION
 GRANTEE: CITY OF BLACK DIAMOND, A WASHINGTON
 MUNICIPAL CORPORATION
 DATED: MARCH 21, 2006
 RECORDED: MARCH 23, 2006
 RECORDING NUMBER: 20060323001819

(AFFECTS THAT PORTION OF PARCEL C, D AND E IN SECTION 15, TOWNSHIP 21 NORTH, RANGE 6 EAST, PARCEL B AND PARCEL F)

16. CONSERVATION EASEMENT DEED AND THE TERMS AND CONDITIONS THEREOF:
GRANTOR: PLUM CREEK LAND COMPANY, A
DELAWARE CORPORATION
GRANTEE: CITY OF BLACK DIAMOND, A WASHINGTON MUNICIPAL CORPORATION
DATED: MARCH 21, 2006
RECORDED: MARCH 23, 2006
RECORDING NUMBER: 20060323001820

(AFFECTS PARCEL A AND OTHER PROPERTY)

27. RIGHTS OF THE PUBLIC, IF ANY, EXISTING AS OF THE DATE HEREOF TO THAT PORTION OF THE PROPERTY LYING WITHIN THE RIGHT OF WAY OF LAKE SAWYER-BLACK DIAMOND ROAD.
28. RIGHTS OF THE PUBLIC, IF ANY, EXISTING AT THE DATE HEREOF, TO THAT PORTION OF THE PROPERTY HEREIN WITHIN THE RIGHT OF WAY OF THE AUBURN-BLACK DIAMOND ROAD.
29. MATTERS DISCLOSED ON A SURVEY BY TRIAD ASSOCIATES, DATED SEPTEMBER 21, 2006, UNDER JOB NO. 05-336, AS FOLLOWS:

A) POSSIBLE PARTIES IN POSSESSION AS EVIDENCED BY SHEDS, LAWNS, FENCES, A GAZEBO AND PLANTER AREAS ALONG THE WEST LINE OF PARCEL C;

B) POSSIBLE PARTIES IN POSSESSION AS EVIDENCED BY SHEDS, AND/OR WELL HOUSES AND LAWN ALONG THE WEST LINE OF PARCEL D AT SE 331ST STREET AND BY THE EXISTENCE OF AN 8 FOOT GRAVEL TRAIL IN THE SOUTHWEST CORNER OF PARCEL D

30. PEDESTRIAN, BICYCLE, EQUESTRIAN TRAIL EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

GRANTOR: PLUM CREEK TIMBER COMPANY L.P.
GRANTEE: KING COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF WASHINGTON
DATED: JULY 24, 1997
RECORDED: AUGUST 8, 1997
RECORDING NO.: 9708040340
(AFFECTS PARCEL G)



MEMORANDUM

To: Black Diamond City Council
From: Megan Nelson, Director of Legal Affairs, YarrowBay
Re: YarrowBay's Memorandum Supporting Black Diamond CFD No. 2013-1
Date: October 29, 2013

I. REQUEST FOR APPROVAL.

BD Village Partners, LP and Yarrow Bay Development, LLC (collectively, "YarrowBay") asks that the City Council act to approve Black Diamond CFD No. 2013-1 as outlined in the petition certified by King County on October 1, 2013 (the "Petition" or "CFD Petition"). YarrowBay recommends the Council pass a resolution including findings of fact and conclusions of law, that approves Black Diamond CFD No. 2013-1 in conformance with the terms and conditions contained in the Petition, including the maximum amounts of special assessments set forth in the Petition, that designates the name and number of the community facility district being formed (i.e., "Black Diamond CFD No. 2013-1"), and finds as required by RCW 36.145.060 that: (1) the formation of the district will be in the best interest of the City; (2) formation of the district is consistent with the requirements of Washington's Growth Management Act, Ch. 36.70A RCW (GMA); and (3) the petitioners (i.e., YarrowBay) will benefit from the proposed district.

II. SUMMARY OF BLACK DIAMOND CFD NO. 2013-1.

Proposed Black Diamond CFD No. 2013-1 encompasses certain parcels within The Villages Master Planned Development (MPD) site (the "CFD Property"). The CFD's boundaries are identified on Attachment 1 with a pink line. See also CFD Boundary Exhibit on page 9 of Attachment 2. No property outside these boundaries will be assessed by the CFD and all land within the CFD is owned by BD Village Partners, LP.

The objective of Black Diamond CFD No. 2013-1 is to fund the portions of eight specific infrastructure improvements that provide special benefits to property within the CFD's district through the application of assessments. The eight infrastructure improvements are discussed in detail in Section III below.

Special benefit is defined as the particular and distinct benefit provided by the eight infrastructure improvements over and above the general benefits conferred on real property located within and outside the CFD. As a result of receiving this special benefit, the fair market value (FMV) of each parcel within the CFD will be greater than it was prior to the construction of the infrastructure improvements. The level of special benefit received by a CFD parcel is reflected in the amount of special assessment assigned to that parcel.

As required by the CFD Statute, Ch. 36.145 RCW, the computation of a CFD's special assessments must follow the requirements of Ch. 35.44 RCW and Ch. 35.51 RCW in developing a method or combination of methods to compute special assessments. Moreover, the CFD Statute requires that all special assessments must "fairly reflect" the special benefits to the properties being assessed.

In conformance with Washington State law, the net amount proposed to be assessed on each parcel within Black Diamond CFD No. 2013-1 is proportional to the special benefit conferred on such parcel by the eight infrastructure improvements. In order to determine the assessments to be assessed against each parcel, YarrowBay asked David Taussig and Associates, Inc. (DTA) to prepare a special apportionment benefit analysis. DTA's special benefit analysis is attached hereto as Attachment 2. The analysis outlines the method used for computing special assessments for each parcel within the proposed CFD based on the special benefit to the assessed property from the use of the eight infrastructure improvements funded in part by the special assessments. The CFD's preliminary assessment roll prepared by DTA showing the special assessment proposed to be imposed on each parcel is below:

[see preliminary assessment roll on following page]

Community Facility District (CFD) No. 2013-1 Preliminary Assessment Roll		
Lot/Parcel		Total \$ per Lot/Parcel
Number	Acreage	incl C.O.I/Reserve/Cap. I/Incidental
1	8.28	\$1,282,132
2	34.44	\$2,074,951
3	11.26	\$0
4	52.87	\$8,802,773
5	2.51	\$109,681
6	3.79	\$0
7	10.01	\$438,723
8	5.96	\$683,336
9	37.71	\$2,107,439
10	12.30	\$0
11	41.40	\$1,689,128
TPN -9096	157.27	\$3,282,081
Total:	377.80	\$20,470,243

Per Washington State law, a CFD's special assessments may not exceed the special benefit to a particular property. The FMV of each parcel within the CFD will be greater than it was previously due to the impact of the infrastructure improvements. Generally, no assessment may be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel by the improvements. Section VI of [Attachment 2](#) describes in detail the methodology used by DTA to calculate the net amount to be assessed on each parcel within Black Diamond CFD No. 2013-1 to assure that it is proportional to the special benefit conferred on each such parcel. In summary, however, the special benefit created by Projects 1, 3, 4, 5 and 6 (road and street improvements) are calculated based on each CFD parcel's road usage and trip generation; whereas, the special benefits produced by Projects 2, 7, and 8 (water, sewer, and stormwater facilities) are calculated using drainage coefficients associated with the type of use projected for each CFD parcel.

III. INFRASTRUCTURE IMPROVEMENTS.

A. Description of Infrastructure Improvements.

The proposed Black Diamond CFD No. 2013-1 anticipates funding portions of the following eight specific facilities (the “Infrastructure Improvements”). The location of each Infrastructure Improvement is identified on Attachment 1 attached hereto:

- S.R. 169 / Roberts Drive / Black Diamond - Ravensdale Rd Interim Intersection – This improvement will reconfigure two intersections to increase their collective capacity to adequately operate through the completion of the District’s occupancies. Located within close proximity of each other, the two intersections are the connections of Roberts Drive to S.R. 169 and Black Diamond - Ravensdale Road to S.R. 169. Reconfiguration will change the existing Roberts Drive intersection from its current "Y" configuration to a "T" intersection. Ravensdale Road will be adjusted to align with the current Palmer Coking Coal Company access road/future Pipeline Road. Traffic signals will be installed at both intersections, replacing the current stop/yield signs. Additionally, a right turn drop lane will be added to southbound S.R. 169 at the Roberts Drive intersection.
- Pipeline Road Water Main Extension – This main line extension is necessary to provide water services and to satisfy fire flow requirements for the District. The construction includes extension of approximately 8,700 feet of 850 pressure zone water main from S.R. 169 to the Auburn-Black Diamond Road/Villages Ring Road intersection. A portion of the 8,700 feet of water main extension includes connecting to the existing water main within Bruckner's Way. An additional 800 feet of main line extending east from the Auburn-Black Diamond Road/Villages Ring Road intersection to the existing water main within Roberts Drive near Rock Creek is also included in this project. To provide adequate fire flow and redundancy, a new tap to the City of Tacoma water main and extension to The Villages project site is also included. Construction will include two pressure reducing valves for connections to existing 750 pressure zone water mains.
- Pipeline Road (tie to interim Improvement) – This improvement will include approximately 7,300 feet of new roadway connecting the interim S.R. 169/Ravensdale Road intersection improvements and Lake Sawyer Road SE. The new roadway is proposed to be a two lane minor arterial per the City of Black Diamond Road Standards. The road section includes 30 feet of paving with vertical curbs along with a 4-to-6-foot planter strip and 6-foot sidewalk on both sides of the road. Construction of this project will include stormwater conveyance and management facilities.
- Lake Sawyer / Pipeline Road Roundabout – The scope of this improvement includes a single lane roundabout at the intersection of the newly constructed Pipeline Road and Lake Sawyer Road SE.
- Onsite Spine Road – The Onsite Spine Road is a street entirely within the District, intersecting Auburn - Black Diamond Road and traversing the District in a north-south

orientation. The limits of construction extend south of the District boundary by approximately 500 feet, however further extensions of the road will eventually serve all Phases of the Villages MPD to the south when the MPD is entirely built out and occupied. The Onsite Spine Road through the District will consist of a single 10-foot lane in each direction with 5-foot bike lanes. Some locations within the Onsite Spine Road also include left turn lanes and planted median islands. An 8-foot wide multi-use, hard surface, cross community trail will be constructed along this section of the Onsite Spine Road. Utilities will also be installed as part of this improvement.

- Onsite Ring Road – The Onsite Ring Road connects to Auburn – Black Diamond Road and travels in a circular arc as it traverses the District properties. This road provides additional traffic capacity within the internal road network and also provides an additional point of access to the District properties for fire and safety equipment. The Onsite Ring Road will consist of a single 10-foot lane in each direction with 5-foot bike lanes and intermittent 7-foot wide parking on both sides of the road. Utilities will also be installed as part of this improvement.
- Stormwater Detention Pond – The Stormwater Detention Pond is designed to detain, treat and infiltrate stormwater runoff from large portions of the District as well as other parts of The Villages MPD. In addition, the pond serves as the ultimate overflow route for all stormwater runoff from the District that is not infiltrated or detained in other facilities within the District. The pond is located near the southern edge of the District in Lot 10.
- Sanitary Sewer Lift Station – The Sanitary Sewer Lift Station is being constructed to service the District as well as other portions of The Villages MPD. The Lift Station is located north of the Stormwater Detention Pond within Lot 10. At a later date, a higher capacity sewer lift station sized to service all of The Villages MPD (including the District) may be constructed in a different location. In such case, this lift station will be retired.

B. Cost of Infrastructure Improvements.

The estimated construction cost of each Infrastructure Improvement proposed to be funded by the proposed CFD is outlined in the table below:

[see estimated cost of Infrastructure Improvements on following page]

PROJECTED FACILITY CONSTRUCTION COSTS		
Project Number	Public Improvement	Estimated Cost*
1	SR-169 / Roberts Dr / Black Diamond - Ravensdale Rd Interim Intersection Improvements	\$ 1,758,178
2	Pipeline Rd Water Main Extension	2,297,952
3	Pipeline Rd (Tie to Interim Improvement)	9,637,000
4	Lake Sawyer / Pipeline Rd Roundabout	1,100,000
5	Onsite Spine Road	7,878,995
6	Onsite Ring Road	4,670,150
7	Stormwater Detention Pond Improvements	1,762,200
8	Sanitary Sewer Lift Station	1,492,912
TOTAL		\$ 30,597,387

C. Percentage of Infrastructure Improvement Costs Allocated to CFD.

As noted above, Washington State law only authorizes a CFD to impose special assessments up to the value of the special benefit accrued by a particular property as a result of the improvements funded by the given CFD. Proposed Black Diamond CFD No. 2013-1, therefore, can only fund the Infrastructure Improvements up to the value of the special benefits apportioned to the CFD Property. As determined by the special benefits analysis produced by DTA (attached hereto as Attachment 2) and outlined in the table below, only 50.8% of the special benefits created by the Infrastructure Improvements accrue to the CFD Property:

SPECIAL BENEFIT APPORTIONED TO CFD No. 2013-1				
Project No.	Public Improvement	Estimated Cost	Special Benefit Apportioned	% of Improvement to CFD No. 2013-1
1	SR-169 / Roberts Dr / Black Diamond - Ravensdale Rd	\$ 1,758,178	\$ 1,174,421	66.8%
2	Pipeline Rd Water Main Extension	2,297,952	2,297,952	100.0%
3	Pipeline Rd (Tie to Interim Improvement)	9,637,000	2,753,429	28.6%
4	Lake Sawyer / Pipeline Rd Roundabout	1,100,000	438,809	39.9%
5	Onsite Spine Road	7,878,995	3,393,429	43.1%
6	Onsite Ring Road	4,670,150	3,113,433	66.7%
7	Stormwater Detention Pond Improvements	1,762,200	1,314,639	74.6%
8	Sanitary Sewer Lift Station	1,492,912	1,071,274	71.8%
Totals:		\$ 30,597,387	\$ 15,557,385	50.8%

Thus, only 50.8% of the cost of the Infrastructure Improvements can be borne by the CFD. The remaining special benefits accrue to the City of Black Diamond at large, including the remainder of The Villages and Lawson Hills MPDs. The portion of the Infrastructure Improvements not funded by Black Diamond CFD No. 2013-1 will be funded pursuant to the terms of The Villages and Lawson Hills MPD Development Agreements between the City, BD Village Partners, LP, and BD Lawson Partners, LP dated December 12, 2011.

IV. HOMEOWNER IMPACTS.

It is reasonable for the Black Diamond City Council to ask how the special assessments resulting from this proposed CFD will impact future Black Diamond home and business owners living and working within the boundaries of the CFD. Therefore, YarrowBay had DTA prepare an analysis of the Black Diamond tax rates before and after the CFD and as compared to other nearby municipalities. See Attachment 3 attached hereto. Based on the proposed preliminary assessment roll contained in Section II above, homeowners and businesses within this CFD would owe approximately the following special assessments:

City	Total Tax per \$1,000 of Assessed Value
Black Diamond <i>without CFD No. 2013-1</i>	\$14.06
Maple Valley	\$14.89
Covington	\$14.42
Enumclaw	\$13.74
Issaquah	\$11.67
Auburn	\$15.27
Kent	\$14.57
Black Diamond <i>within CFD No. 2013-1</i>	\$16.57

V. CRITERIA FOR CFD APPROVAL.

Pursuant to RCW 36.145.060, a CFD may not be formed unless the Black Diamond City Council finds the following: (1) that the formation of the CFD district will be in the best interest of the City; (2) that formation of the CFD district is consistent with the requirements of Washington’s Growth Management Act; and (3) that the petitioners will benefit from the proposed CFD district. YarrowBay’s proposed Black Diamond CFD No. 2013-1 meets each of these three criteria as summarized below.

A. CFD Is In The Best Interest Of The City.

The Infrastructure Improvements proposed to be financed by Black Diamond CFD No. 2013-1 will improve public health, safety, and welfare within the City by improving traffic circulation and thereby reducing accidents; providing street lights thereby deterring crime and improving vehicular and pedestrian safety; facilitating the sanitary removal of wastewater; providing for comprehensive stormwater management; and delivering potable water. In addition, the infrastructure improvements have benefits for the City, its residents and those who visit or drive through the City, and the formation of the CFD will create jobs and facilitate economic development within Black Diamond. Moreover, using a CFD to finance portions of the Infrastructure Improvements allows YarrowBay to use the monies that would otherwise have been spent on such improvements for other improvements not being financed by CFD No. 2013-1, but which are very important to the City, such as early construction of a new satellite fire station as described in Section 13.4 of The Villages MPD Development Agreement dated December 12, 2011, that serves all of Black Diamond. YarrowBay's commitment to use the funds freed up by approval of this proposed CFD for other infrastructure improvements supporting development within the City, such as the new satellite fire station, is detailed in the Undertaking Agreement attached hereto as Attachment 4. By freeing up private capital, Black Diamond CFD No. 2013-1 will enable more funds to be spent earlier in the development timeline of The Villages and Lawson Hills MPDs. For example, commercial development in the MPDs may be started earlier and the S.R.-169 intersection improvements at Roberts Drive and Black Diamond-Ravensdale Road can be fully completed even before being triggered by trips generated by MPD development. Such outcomes benefit the entire Black Diamond community. Finally, the proposed CFD, through the application of special assessments, will provide a secure, long-term financing source for the Infrastructure Improvements thereby reducing the City's reliance on unsecured funds from a for-profit land developer.

B. Formation Of The CFD Is Consistent With The GMA.

Black Diamond CFD. No. 2013-1, as proposed, is consistent with Washington's Growth Management Act, Ch. 36.70A RCW. First, this proposed CFD is an excellent example of growth paying for infrastructure to support growth inside an urban growth area (UGA). All the Infrastructure Improvements are located within the UGA and the majority of the property specially benefitted by construction of the Infrastructure Improvements is within the UGA as well.

Second, the Infrastructure Improvements are consistent with the GMA's planning goals as outlined in RCW 36.70A.020. For example,

(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner. The

Villages and Lawson Hills MPDs are developments located within the Black Diamond UGA where the Infrastructure Improvements can be provided in an efficient manner.

(3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans. Projects 1, 3, 4, and 5 of the Infrastructure Improvements are “coordinated with” the City’s 2009 Comprehensive Plan as engineering equivalents to specific transportation improvements outlined on Figure 7-4 of the plan itself.

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities. Proposed CFD No. 2013-1 creates jobs and facilitates economic development by providing funding for the construction of the Infrastructure Improvements. The Infrastructure Improvements will allow for the construction of new commercial square footage thereby recruiting new businesses and bring more people to Black Diamond thereby supporting the retention of existing businesses within the City.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards. Proposed Black Diamond CFD No. 2013-1 provides for the Infrastructure Improvements that are necessary to support The Villages and Lawson Hills MPDs while ensuring that the City’s established LOS standards are met through MPD development.

Last, the Infrastructure Improvements are consistent with Black Diamond’s 2009 Comprehensive Plan, which was never appealed and, thus, under RCW 36.70A.300, presumed compliant with the GMA.

Many of the Infrastructure Improvements, or their engineering equivalents, are specifically outlined in the Capital Facilities Chapter of the City’s 2009 Comprehensive Plan: Project 2 ([see](#)

page 8-36). Projects 1, 3, 4, 5, and 6 are transportation improvements generally set forth on Figure 7-4 (page 7-25) of the Transportation Chapter of the Comprehensive Plan. And, Project 7 is consistent with Policy CF-44 and Policy CF-46 by ensuring that storm drainage facilities necessary to serve MPD development are available for occupancy and use, by minimizing increases in total runoff quantity, and preventing water quality degradation (see pages 8-44, 8-45, and 8-48 of the Comprehensive Plan).

C. Petitioners Will Benefit From The CFD.

If approved by the City Council, Black Diamond CFD No. 2013-1 will provide YarrowBay with a secure source of financing for portions of the Infrastructure Improvements necessary to move forward with The Villages and Lawson Hills planned communities. These Infrastructure Improvements provide the following special benefits to the Petitioners and subsequent homeowners within the CFD boundaries as summarized below.

Roads and Street Improvements (Projects 1, 3, 4, 5 and 6). The primary benefits of the road and street improvements to properties included within the CFD are as follows:

- The Improvement reconfiguring two S.R. 169 intersections, at (i) Roberts Drive and (ii) Black Diamond - Ravensdale Road will improve existing traffic conditions and ease congestion, thus providing a safer and timelier passage for cars, bicycles and pedestrians through the intersections. In addition, water quality monitoring at four locations surrounding these proposed S.R. 169 improvements will enhance stormwater control and water quality over existing conditions.
- Pipeline Road implements the City's Comprehensive Plan and relieves Roberts Drive of excessive vehicle trips.
- The Lake Sawyer / Pipeline Road Roundabout facilitates the City's preferred method of intersection control and slows down vehicles for safer travel. In addition, the roundabout provides an opportunity for unique landscaping within its center.
- The Onsite Spine Road implements the first leg of Annexation Road in the City's Comprehensive Plan. In addition, this Improvement serves as the signature roadway with distinctive and abundant landscaping, sidewalks, bike lanes and a cross community trail.
- The Onsite Ring Road facilitates District transportation in a general east-west orientation. This Improvement will also include bike lanes, landscaping and sidewalks on both sides of the roadway to encourage multi-modal transportation through the District.
- Beyond the specific benefits outlined above, these Improvements will provide the following additional benefits to the District and City at large: (1) Improve traffic

circulation and reduce accidents; (2) Improve the ability of pedestrians to safely navigate their way through the District; and (3) Enhance the value of the property within the District as a result of the foregoing benefits.

Water Main Extension, Stormwater Detention Pond and Sewer Lift Station (Projects 2, 7, and 8).

The primary benefits of sewer, water and stormwater improvements to property owners included within the Black Diamond CFD No. 2013-1 are set forth below:

- The Pipeline Road Water Main Extension from the current water facilities provides water service and fire flow to enable the construction and occupancy of residences and commercial facilities on previously vacant undeveloped land. This Improvement significantly improves the water system to the west side of the District, including the added benefit of water looping back to Roberts Drive, which currently does not exist.
- The Stormwater Detention Pond is designed to detain, treat and infiltrate stormwater runoff from large portions of the District as well as other parts of The Villages MPD. The Improvement will mitigate flooding during peak rainfall storms by safely channeling and temporarily storing storm runoff. In addition, the Stormwater Detention Pond will be designed as a visual amenity and may provide both passive and active recreation (e.g., sports field and trails).
- The Sanitary Sewer Lift Station will service the District as well as other areas of The Villages MPD by pumping wastewater to regional gravity flow sanitary sewer systems and facilitating the safe transmission of wastewater to centralized wastewater treatment facilities.
- Beyond the specific benefits outlined above, these Improvements will provide the following additional benefits to the District: (1) Health and safety benefits resulting from construction of the subject infrastructure are the delivery of potable water, comprehensive stormwater management, and the sanitary removal of wastewater; and (2) The enhancement to the value of the property which results from the foregoing benefits.

The Special Benefit Apportionment Analysis, attached hereto as Attachment 2, calculates the total value of these special benefits to the underlying property owners within the CFD district to be greater than or equal to the portions of the costs of the Improvements that are assessed on the parcels within the CFD.

In summary, proposed Black Diamond CFD No. 2013-1 meets the three criteria for formation approval by the City Council set forth in the State's CFD statute, Ch. 36.145 RCW: it is in the best interest of the City; its formation is consistent with the GMA; and it benefits YarrowBay and subsequent property owners within the CFD.

VI. NEXT STEPS.

Pursuant to RCW 36.145.080, CFDs are governed by a Board of Supervisors. This Board must be appointed by the Black Diamond City Council within sixty (60) days after the formation of the CFD. See RCW 36.145.080(1). The Board consists of five (5) members – 2 members must be appointed from the nominees provided by YarrowBay in its CFD Petition and the other 3 members must either be City Council members or qualified professionals with expertise in municipal finance. See RCW 36.145.080(2) and (5).

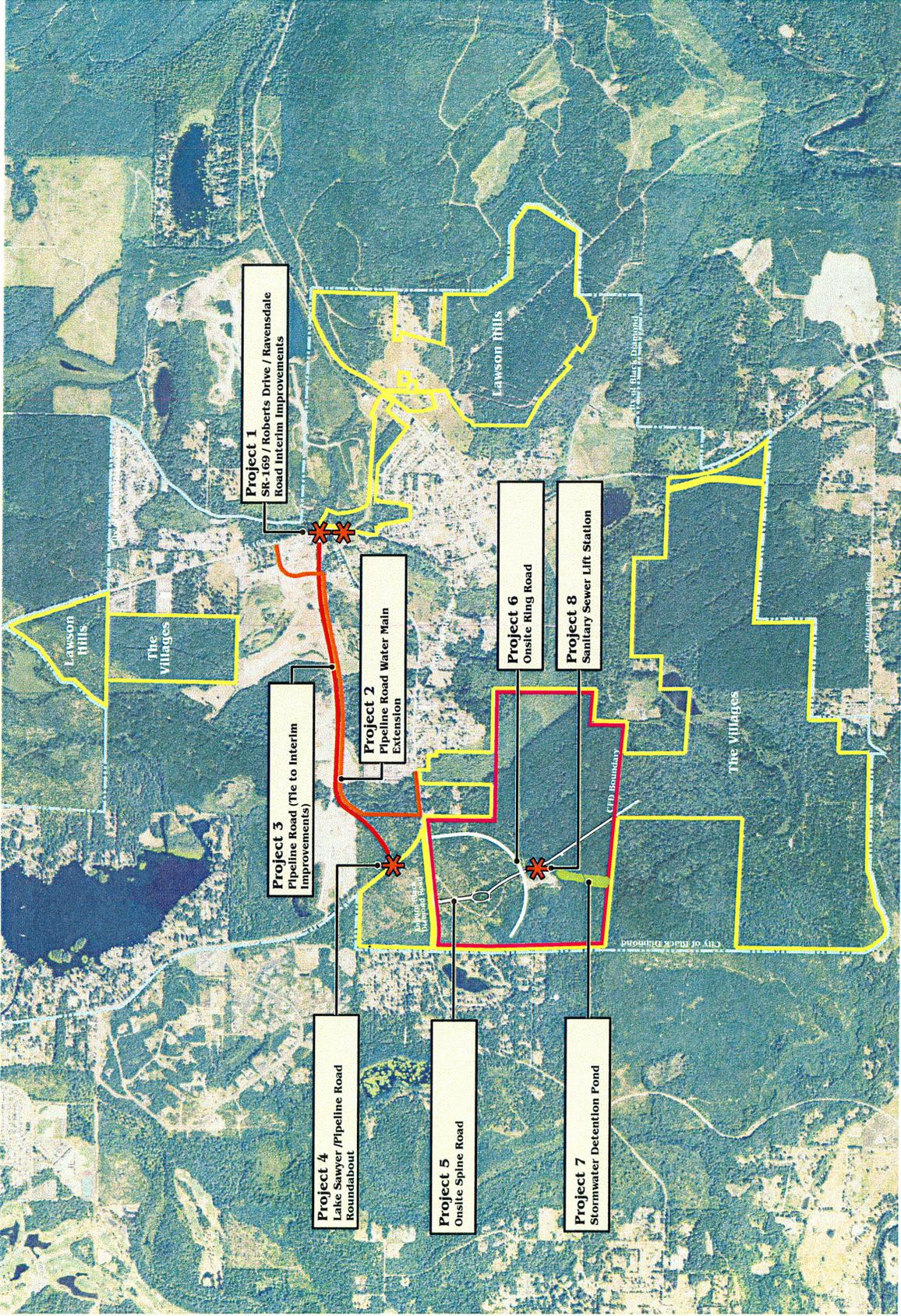
VII. CONCLUSION.

In summary, YarrowBay respectfully requests that the City Council approve the formation of the Black Diamond CFD No. 2013-1 as outlined in its Petition. This proposed CFD meets the approval criteria set forth in the CFD Statute at RCW 36.145.060: (1) it is in the best interest of the City; (2) it is consistent with the GMA; and (3) it benefits the Petitioner YarrowBay.

List of Attachments

1. Black Diamond CFD No. 2013-1 Project Map
2. Special Benefit Apportionment Analysis by David Taussig & Associates, Inc. dated August 15, 2013
3. Updated Total Residential Taxes & Levy Schedule for Black Diamond and Neighboring Cities Memorandum by David Taussig & Associates, Inc. dated August 15, 2013
4. Undertaking Agreement

ATTACHMENT 1



Black Diamond CFD Project Map

ATTACHMENT 2

**SPECIAL BENEFIT
APPORTIONMENT ANALYSIS
COMMUNITY FACILITIES DISTRICT
No. 2013-1
OF THE
CITY OF BLACK DIAMOND**

August 15, 2013

Public Finance
Urban Economics

Newport Beach
Fresno
Riverside
San Francisco
Chicago
Dallas

SPECIAL BENEFIT APPORTIONMENT ANALYSIS
COMMUNITY FACILITIES
DISTRICT No. 2013-1
OF THE CITY OF BLACK DIAMOND

Prepared for:

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I. INTRODUCTION

A Petition to the City Council of the City of Black Diamond, Washington (“City”), has been submitted pursuant to the provisions of the Revised Code of Washington (“RCW”), Chapter 36.145, *et seq.* (the “2010 Act”). The Petition requests the formation of City of Black Diamond Community Facilities District No. 2013-1 (“CFD No. 2013-1,” or “District”) to fund the construction of various public facilities (“Improvements”).

The District encompasses certain properties within the Villages Master Planned Development (“MPD”). This special apportionment benefit analysis has been prepared by David Taussig and Associates, Inc. (“DTA”) to support the Petition requesting formation of the District, and to inform the City and the future Board of Supervisors of the District.

This report contains the following:

- 1) A diagram of the proposed CFD No. 2013-1 showing each separate Assessor’s Parcel (“Lot”) included within the District, as well as each Lot’s acreage;
- 2) The proposed method or combination of methods for computing special assessments for each Lot based on the special benefit to assessed property from the use of the Improvements funded directly or indirectly by special assessments; and
- 3) A preliminary assessment roll showing the special assessment proposed to be imposed on each Lot.

The total assessment assigned to each Lot in CFD No. 2013-1 is summarized in Table 1 on the next page.

LIMITATIONS

At all times, and for all Improvements, it was assumed that:

The information provided to DTA by the following parties was true, correct, and complete:

1. YARROW BAY HOLDINGS
2. TRIAD ASSOCIATES
3. BD VILLAGE PARTNERS, L.P.
4. TRANSPOR GROUP
5. J.R. HAYES AND SONS

TABLE 1

PROPOSED ASSESSMENT	
Community Facility District - CFD No. 2013-1	
LOT NO.	ASSESSMENT
1	\$ 1,282,132
2	2,074,951
3 *	-
4	8,802,773
5	109,681
6 *	-
7	438,723
8	683,336
9	2,107,439
10 *	-
11	1,689,128
TPN -9096	3,282,081
NET ASSESSMENT	\$ 20,470,243

* Lot is within the District and does not contain any residential, commercial or school development.

II. LEGISLATIVE BACKGROUND

Special benefit (“Special Benefit”) is defined as the particular and distinct benefit provided by the Improvements over and above general benefits conferred on real property located in the District. As a result of receiving this Special Benefit, the fair market value of each Lot in the District will be greater than it was prior to the construction of the Improvements. The level of Special Benefit received by a Lot is reflected in the amount of special assessment assigned to that Lot.

As required by the 2010 Act, the computation of special assessments for a Community Facilities District (“CFD”) must follow the requirements of RCW Ch. 35.44 and RCW Ch. 35.51 in developing a method or combination of methods to compute special assessments. Moreover, the 2010 Act mandates that all special assessments must “fairly reflect” the Special Benefit to the properties being assessed. As explained below, the Improvements funded through CFD No. 2013-1 will provide a significant Special Benefit to the Lots within the CFD.

The characterization of a benefit may depend upon whether a Lot receives a direct advantage from a public improvement or receives an indirect, derivative advantage resulting from the overall public benefits of the improvement. As such, the computation and assessment of a Special Benefit will be dependent on the type of public facility that is being financed by the CFD, as is described below. In each case, while it may not be legally required, to be conservative, this analysis demonstrates that the proposed methods of computing the special assessments more fairly reflect the Special Benefits than do other methodologies.

III. PLANS AND FACILITIES

A. IMPROVEMENTS TO BE CONSTRUCTED

Pursuant to RCW 36.145.100, proposed CFD No. 2013-1 will finance the following improvements:

1. **S.R. 169 / Roberts Drive / Black Diamond - Ravensdale Rd Interim Intersection** – This improvement will reconfigure two intersections to increase their collective capacity to adequately operate through the completion of the District's occupancies. Located within close proximity of each other, the two intersections are the connections of Roberts Drive to S.R. 169 and Black Diamond - Ravensdale Road to S.R. 169. Reconfiguration will change the existing Roberts Drive intersection from its current "Y" configuration to a "T" intersection. Ravensdale Road will be adjusted to align with the current Palmer Coking Coal Company access road/future Pipeline Road. Traffic signals will be installed at both intersections, replacing the current stop/yield signs. Additionally, a right turn drop lane will be added to southbound SR 169 at the Roberts Drive intersection.
2. **Pipeline Road Water Main Extension** – This main line extension is necessary to provide water services and to satisfy fire flow requirements for the District. The construction includes extension of approximately 8,700 feet of 850 pressure zone water main from SR 169 to the Auburn-Black Diamond Road/Villages Ring Road intersection. A portion of the 8,700 feet of water main extension includes connecting to the existing water main within Bruckner's Way. An additional 800 feet of main line extending east from the Auburn-Black Diamond Road/Villages Ring Road intersection to the existing water main within Roberts Drive near Rock Creek is also included in this project. To provide adequate fire flow and redundancy, a new tap to the City of Tacoma water main and extension to The Villages project site is also included. Construction will include two pressure reducing valves for connections to existing 750 pressure zone water mains.
3. **Pipeline Road (tie to interim Improvement)** – This improvement will include approximately 7,300 feet of new roadway connecting the interim SR 169/Ravensdale Road intersection improvements and Lake Sawyer Road SE. The new roadway is proposed to be a two lane minor arterial per the City of Black Diamond Road Standards. The road section includes 30 feet of paving with vertical curbs along with a 4-to-6-foot planter strip and 6-foot sidewalk on both sides of the road. Construction of this project will include stormwater conveyance and management facilities.
4. **Lake Sawyer / Pipeline Road Roundabout** – The scope of this improvement includes a single lane roundabout at the intersection of the newly constructed Pipeline Road and Lake Sawyer Road SE.

5. **Onsite Spine Road** – The Onsite Spine Road is a street entirely within the District, intersecting Auburn - Black Diamond Road and traversing the District in a north-south orientation. The limits of construction extend south of the District boundary by approximately 500 feet, however further extensions of the road will eventually serve all Phases of the Villages MPD to the south when the MPD is entirely built out and occupied. The Onsite Spine Road through the District will consist of a single 10-foot lane in each direction with 5-foot bike lanes. Some locations within the Onsite Spine Road also include left turn lanes and planted median islands. An 8-foot wide multi-use, hard surface, cross community trail will be constructed along this section of the Onsite Spine Road. Utilities will also be installed as part of this improvement.
6. **Onsite Ring Road** – The Onsite Ring Road connects to Auburn – Black Diamond Road and travels in a circular arc as it traverses the District properties. This road provides additional traffic capacity within the internal road network and also provides an additional point of access to the District properties for fire and safety equipment. The Onsite Ring Road will consist of a single 10-foot lane in each direction with 5-foot bike lanes and intermittent 7-foot wide parking on both sides of the road. Utilities will also be installed as part of this improvement.
7. **Stormwater Detention Pond** – The Stormwater Detention Pond is designed to detain, treat and infiltrate stormwater runoff from large portions of the District as well as other parts of The Villages MPD. In addition, the pond serves as the ultimate overflow route for all stormwater runoff from the District that is not infiltrated or detained in other facilities within the District. The pond is located near the southern edge of the District in Lot 10 as shown in the Assessment Diagram on page 9.
8. **Sanitary Sewer Lift Station** – The Sanitary Sewer Lift Station is being constructed to serve the District as well as other portions of The Villages MPD. The Lift Station is located north of the Stormwater Detention Pond within Lot 10 as shown in the Assessment Diagram on page 9. At a later date, a higher capacity sewer lift station sized to service all of The Villages MPD (including the District) may be constructed in a different location. In such case, this lift station will be retired.

IV. ESTIMATES OF COSTS

The RCW 36.145.020(1)(i) of the 2010 Act mandates the provision and documentation of:

“A proposed method or combination of methods for computing special assessments, determining the benefit to assessed property, or use from facilities or improvements funded directly or indirectly by special assessments”

Given that special assessments are a product of the estimated cost of the facilities to be included within CFD No. 2013-1, listed below are estimates of (i) the total costs for improvements funded by CFD No. 2013-1, including incidental expenses, (ii) the amount of any contributions, if any, to be made from sources other than assessments levied pursuant to the 2010 Act, and (iii) the net amount to be assessed upon assessable lands within CFD No. 2013-1.

A. IMPROVEMENT CONSTRUCTION COST

Included are estimated costs for the construction of all Improvements listed in Section III. These costs are summarized in Table 2 below.

TABLE 2

PROJECTED FACILITY CONSTRUCTION COSTS		
Project Number	Public Improvement	Estimated Cost*
1	SR-169 / Roberts Dr / Black Diamond - Ravensdale Rd Interim Intersection Improvements	\$ 1,758,178
2	Pipeline Rd Water Main Extension	2,297,952
3	Pipeline Rd (Tie to Interim Improvement)	9,637,000
4	Lake Sawyer / Pipeline Rd Roundabout	1,100,000
5	Onsite Spine Road	7,878,995
6	Onsite Ring Road	4,670,150
7	Stormwater Detention Pond Improvements	1,762,200
8	Sanitary Sewer Lift Station	1,492,912
TOTAL		\$ 30,597,387

* Cost estimates provided by Triad Associates and J.R. Hayes and Sons.

B. DURATION OF ASSESSMENTS

CFD No. 2013-1 will levy the assessment in accordance with the 2010 Act, RCW 36.145.110(3), which indicates that the term of the special assessment is limited to the lesser of (a) twenty-eight years or (b) two years less than the term of any bonds issued by or on behalf of the district to which the assessments or other revenue of the district is specifically dedicated, pledged, or obligated.

Decisions on the Assessment Rolls will be made by the District Board of Supervisors.

C. CONTRIBUTIONS FROM OTHER SOURCES

BD Village Partners, LP will be funding the portions of the Improvements not funded through the District pursuant to the terms of The Villages MPD Development Agreement dated December 12, 2011 recorded under King County Recording No. 20120130000655.

D. NET ASSESSMENT

In accordance with the 2010 Act, the general benefits conferred by the CFD 2013-1 Improvements need to be separated from the Special Benefits conferred, as well as the Special Benefits accruing to parcels outside of the District. DTA has determined that there will be benefit accruing from the Improvements beginning in Fiscal Year 2012-13 that cannot be assessed to CFD No. 2013-1 in accordance with the 2010 Act ("District Contribution to General Benefit"), as explained in Section VI of this report.

Pursuant to the foregoing, Table 3 below shows the total net amount to be assessed upon assessable lands within CFD No. 2013-1.

TABLE 3

NET PROPOSED TOTAL ASSESSMENT FOR CFD NO. 2013-1	
ITEM	AMOUNT
Cost of Improvements	\$ 30,597,387
Costs of Issuance / Reserve Fund / Capitalized Interest / Incidental Expenses*	4,912,858
District Contribution to General Benefit	(15,040,002)
NET ASSESSMENT	\$ 20,470,243

* 2 years of capitalized interest at 5.75% per year, plus 2.5% for cost of issuance & incidental expenses, plus 10% subtotal for reserve & annual District administration fee, totals to approximately 24%. Incidental expenses to be paid with assessment proceeds from CFD No. 2013-1 ("Incidental Expenses") are identified in Table 4 below.

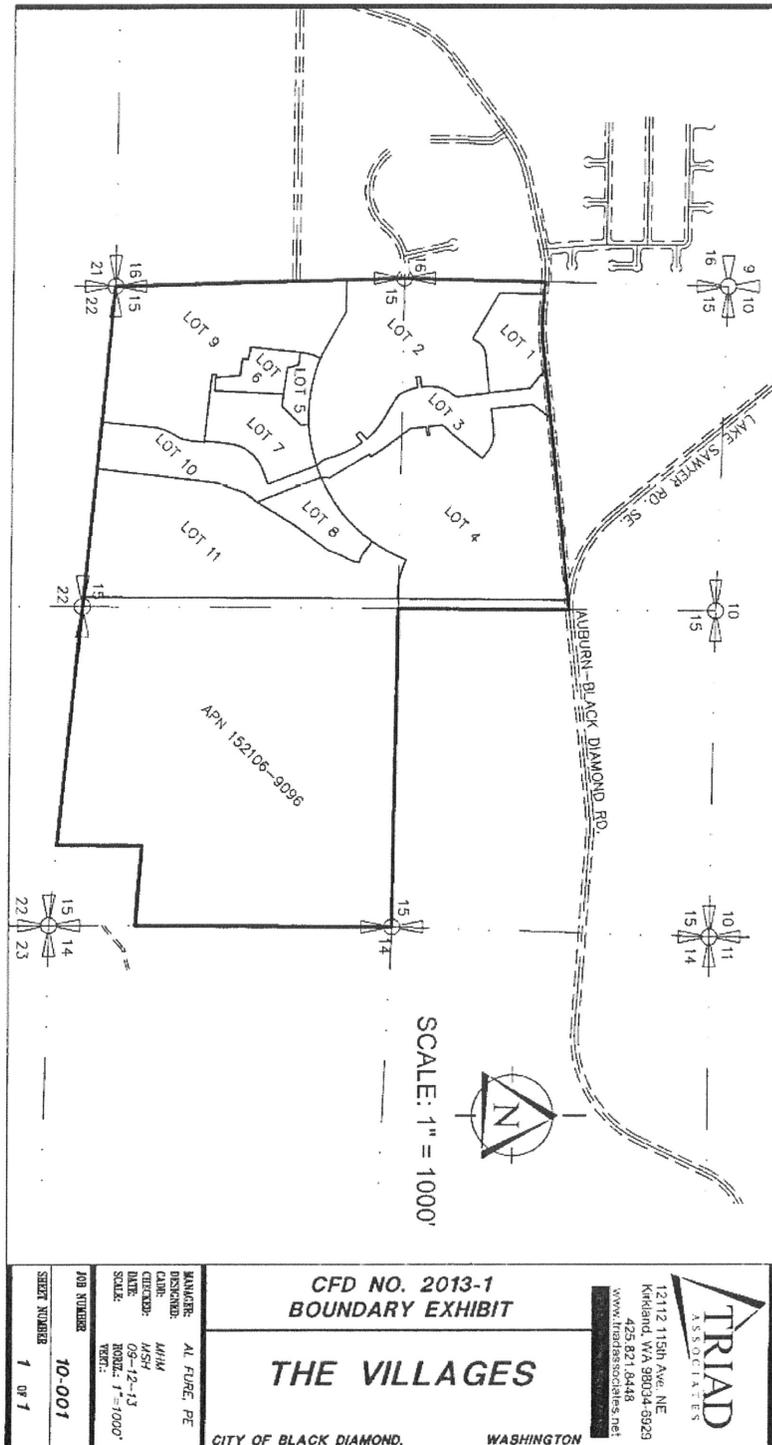
TABLE 4

COSTS OF ISSUANCE / INCIDENTAL EXPENSES	
Costs of Issuance / Reserve Fund / Capitalized Interest / Incidental Expenses	Expense Estimate
Costs of Issuance / Reserve Fund / Capitalized Interest / Incidental Expenses (~24%)	\$ 4,729,514
District Administration & County Collection Fee*	183,344
TOTAL	\$ 4,912,858

* As reported by King County, this represents a \$4.00 annual fee per District DU and per 2,500SF of non-residential use for projected build-out product mix for 28 years.

V. ASSESSMENT DIAGRAM

An Assessment Diagram showing the exterior boundaries of CFD No. 2013-1 is provided below. A complete list of all Lots within CFD No. 2013-1 is in the Petition.



VI. METHODOLOGY OF ASSESSMENT

In determining the net amount to be assessed upon parcels within CFD No. 2013-1, RCW 36.145.110 states that all special assessments must “fairly” reflect the special benefit to the properties being assessed. Special Benefit is the particular and distinct benefit over and above general benefits conferred on real property located in the District or to the public at large. The fair market value of each Lot in the District will be greater than it was prior to construction of the Improvements due to the impact of the Improvements. Therefore, each Lot in the District is specially benefitted by the Improvements.

RCW 35.51.030 states that “in no case may a special assessment exceed the special benefit to a particular property.” Therefore, as a general rule, no assessment may be imposed on any parcel which exceeds the reasonable cost of the proportional Special Benefit conferred on that parcel. This Section VI describes the methodology used to calculate the net amount to be assessed on each parcel within CFD No. 2013-1 to assure that it is in proportion to the Special Benefit conferred on each such parcel consistent with the 2010 Act.

A. BENEFITS OF IMPROVEMENTS

1. Roads and Street Improvements – Projects 1, 3, 4, 5 and 6.

The primary benefits of road and street improvements are set forth below:

- a. ***Project 1 – S.R. 169 / Roberts Drive / Black Diamond - Ravensdale Road interim intersection improvements.*** The Improvement reconfiguring two S.R. 169 intersections, at (i) Roberts Drive and (ii) Black Diamond - Ravensdale Road will improve existing traffic conditions and ease congestion, thus providing a safer and timelier passage for cars, bicycles and pedestrians through the intersections. In addition, water quality monitoring at four locations surrounding these proposed S.R. 169 improvements will enhance stormwater control and water quality over existing conditions.
- b. ***Project 3 – Pipeline Rd (Tie to Interim Improvement).*** The Improvement implements the City’s Comprehensive Plan and relieves Roberts Drive of excessive vehicle trips.
- c. ***Project 4 – Lake Sawyer / Pipeline Road Roundabout.*** The Improvement facilitates the City’s preferred method of intersection control and slows down vehicles for safer travel. In addition, the roundabout provides an opportunity for unique landscaping within its center.
- d. ***Project 5 – The Onsite Spine Road.*** The Improvement implements the first leg of Annexation Road in the City’s Comprehensive Plan. In addition, this Improvement serves as the signature roadway with distinctive and abundant landscaping, sidewalks, bike lanes and a cross community trail.

- e. ***Project 6 – The Onsite Ring Road.*** The Improvement facilitates District transportation in a general east-west orientation. This Improvement will also include bike lanes, landscaping and sidewalks on both sides of the roadway to encourage multi-modal transportation through the District.
- f. Beyond the specific benefits outlined above, these Improvements will provide the following additional benefits to the District and City at large: (1) Improve traffic circulation and reduce accidents; (2) Improve the ability of pedestrians to safely navigate their way through the District; and (3) Enhance the value of the property within the District as a result of the foregoing benefits.

2. **Water Main Extension, Stormwater Drainage Pond and Sewer Lift Station – Projects 2, 7, and 8**

The primary benefits of sewer, water and storm drain improvements are set forth below:

- a. ***Project 2 – Pipeline Road Water Main Extension.*** The water main extension from the current water facilities provides water service and fire flow to enable the construction and occupancy of residences and commercial facilities on previously vacant undeveloped land. This Improvement significantly improves the water system to the west side of the District, including the added benefit of water looping back to Roberts Drive, which currently does not exist.
- b. ***Project 7 – Stormwater Detention Pond.*** The Stormwater Detention Pond is designed to detain, treat and infiltrate stormwater runoff from large portions of the District as well as other parts of the Villages MPD. The Improvement will mitigate flooding during peak rainfall storms by safely channeling and temporarily storing storm runoff. In addition, the Stormwater Detention Pond will be designed as a visual amenity and may provide both passive and active recreation (e.g., sports field and trails).
- c. ***Project 8 – Sanitary Sewer Lift Station.*** The Sewer Lift Station will service the District as well as other areas of The Villages MPD by pumping wastewater to regional gravity flow sanitary sewer systems and facilitating the safe transmission of wastewater to centralized wastewater treatment facilities.
- d. Beyond the specific benefits outlined above, these Improvements will provide the following additional benefits to the District: (1) Health and safety benefits resulting from construction of the subject infrastructure are the delivery of potable water, comprehensive stormwater management, and the sanitary removal of wastewater; and (2) The enhancement to the value of the property which results from the foregoing benefits.

B. CATEGORIES OF BENEFIT

Given the provisions of the 2010 Act, it is necessary to establish parameters for Special Benefit and General Benefit as such terms relate to the benefit to be derived from the Improvements.

However, as benefits generated by CFD No. 2013-1 Improvements accrue dissimilarly depending on the nature of the Improvement, the computation of Special Benefit will vary. See Section D below for further discussion.

C. ALLOCATION OF SPECIAL BENEFIT TO LOTS

Special Benefit is allocated to parcels based upon either the number of Equivalent Dwelling Units (“EDUs”) or Equivalent Benefit Units (“EBUs”) assigned to each such parcel. The number of EDUs/EBUs assigned to a parcel reflects the relative amount of Special Benefit allocable to each such parcel. This section describes the methodology used to assign EDUs/EBUs to each Assessor’s Parcel.

1. Road and Street Improvements – Projects 1, 3, 4, 5 and 6

Road usage is typically computed on the basis of anticipated trip generation. The Institute of Traffic Engineers publication, *Trip Generation, Eighth Edition* (“ITE”), indicates peak hour trips per single-family and multi-family dwelling unit, as well as for various types of commercial development. As such, it is necessary to quantify the number of existing residential dwelling units and commercial/industrial square footage that are not adequately served by the current street and road facilities, and then determine the peak hour trips generated by this existing development based on trip count multipliers listed in the ITE.

Following this, one must quantify the impacts of new development at the District’s buildout on the listed intersection and road improvements using ITE trip count multipliers for projected residential and commercial product types within the District, thereby creating a total trip count generated by the District at its buildout.

Finally, one must allocate a portion of total intersection improvement costs to the District based on the percentage of total peak hour trips (the sum of trips calculated above) that the District is expected to generate. Once the District’s percentage of the Improvement costs has been calculated, individual parcels within the District shall in turn be assigned their portions of costs based on their share of the total trips generated by the development.

2. Water Main Extension, Stormwater Drainage Pond and Sewer Lift Station – Projects 2, 7 and 8

Stormwater flood control facilities are sized based upon estimated storm flows, which vary with the size of the tributary drainage area, slope, soil type, antecedent runoff condition, and impervious ground cover. Accordingly, Special Benefit related to stormwater facilities is apportioned relative to the various tributary drainage areas that impact the parcels within CFD No. 2013-1.

The primary determinant of sanitary sewer and water usage is the applicable population equivalent. For that reason, Special Benefit related to sanitary facilities is calculated using sewer and water usage data which indicates that wastewater flow rates are typically determined on the basis of residential density and product type and the average per capita contribution of wastewater. Similarly, sewer and water demand for commercial development is a function of the nature and intensity of use.

3. Residential Development

The single family detached (“SFD”) dwelling unit parcel was selected as the basic unit for calculation of the assessments. The SFD is a component of the Single Family Dwelling Unit category as defined in the Final Environmental Impact Statement for the Villages Master Planned Development, City of Black Diamond, Washington, prepared by Parametrix (December 2009) (“EIS”). Parcels of other uses were reduced to EDUs/EBUs in the manner illustrated in the tables included in Attachment 2, with benefit levels assigned to each use type as proportions of the benefit to be received by a single family dwelling unit parcel.

Special Benefit accrues to each parcel to be subdivided and served by the Improvements. Since none of the areas within CFD No. 2013-1 have been subdivided into individual lots at this time, the assessments were placed in aggregate on one or more existing Assessor’s Parcels and the apportionment of the assessments to individual subdivided lots will take place as final maps are recorded. Single-family lots that lie within more than one Assessor’s Parcel will be assigned to the Assessor’s Parcel which contains the majority of the acreage.

The magnitude of the EDUs assigned to a use type varies depending on the criterion used for each type of Improvement analyzed. For example, the EDU for a Multi-family dwelling unit ranges from **0.65 to 0.69** depending on the Improvement in question. The Multi-family EDU for stormwater drainage is **0.67** due to building densities and the amount of impermeable surface inherent in Multi-family construction relative to Single-family densities and impermeable surfaces. For sewer usage the coefficient is **0.67** and takes into account the average water usage per person, Multi-family densities per acre, and the average household size for an average Multi-family. The Multi-family EDU coefficient for road improvements is based on peak hour trip count projections and varies depending on the mix of development utilizing the road improvement. Predictably, for assessment purposes, sometimes Multi-family dwelling units function more like Single-family dwelling units, for example, with respect to vehicle trip-ends; whereas, with regards to functions related to, for example, stormwater facility needs, Multi-family will not demand as high of an EDU figure.

4. Non-Residential Use

Assessor’s Lots designated for commercial or school use were assessed on the basis of the Special Benefit accruing to the Lot. According to the approved Villages MPD Preliminary Plat 1A, the District contains 160,000 square feet of retail space and 30,000 square feet of office space. In addition, 40,500 square feet of school building(s) floor space is included in the District (in Lots 5 and 7) for an elementary school consistent with the Enumclaw School District’s 6-Year Capital Facilities Plan dated June 2012.

VII. ASSESSMENT OF ESTIMATED SPECIAL BENEFIT

This section describes the calculations used to determine the net amount to be assessed on each Lot within CFD No. 2013-1 in proportion to the Special Benefit conferred on each Lot. The amount of the assessment for each Lot is listed in the Preliminary Assessment Roll, which is attached as Attachment 1. Because some of the Assessor's Lot boundaries have yet to be subdivided, some initial assessments are in aggregate on the Lots until further subdivision is completed.

A. CALCULATION OF GENERAL BENEFIT AND SPECIAL BENEFIT

As detailed in Sections VI.B and VI.D, the Improvements in CFD No. 2013-1 generate both Special and General Benefits. Therefore, some of the costs associated with the construction of the Improvements will be allocated to "District Contribution to General Benefit."

Table 5 below shows that **50.8%** of the Improvements construction costs have been allocated to CFD No. 2013-1.

TABLE 5

SPECIAL BENEFIT APPORTIONED TO CFD No. 2013-1				
Project No.	Public Improvement	Estimated Cost	Special Benefit Apportioned	% of Improvement to CFD No. 2013-1
1	SR-169 / Roberts Dr / Black Diamond - Ravensdale Rd	\$ 1,758,178	\$ 1,174,421	66.8%
2	Pipeline Rd Water Main Extension	2,297,952	2,297,952	100.0%
3	Pipeline Rd (Tie to Interim Improvement)	9,637,000	2,753,429	28.6%
4	Lake Sawyer / Pipeline Rd Roundabout	1,100,000	438,809	39.9%
5	Onsite Spine Road	7,878,995	3,393,429	43.1%
6	Onsite Ring Road	4,670,150	3,113,433	66.7%
7	Stormwater Detention Pond Improvements	1,762,200	1,314,639	74.6%
8	Sanitary Sewer Lift Station	1,492,912	1,071,274	71.8%
	Totals:	\$ 30,597,387	\$ 15,557,385	50.8%

B. CLASSIFICATION OF LOTS BY USE

The tables in Attachment 2 list the Lots in CFD No. 2013-1 by EDUs (as necessary), for each Improvement, and by each Use.

VIII. PRELIMINARY ASSESSMENT ROLL

David Taussig & Associates, as the Assessment Engineer, has prepared a Preliminary Assessment Roll for CFD No. 2013-1 based upon the assessment methodology described in this Report. The Preliminary Assessment Roll includes the net total assessment for CFD No. 2013-1 and shows the assessment number, Lot Number, and the use designation for each Lot in CFD No. 2013-1. The Preliminary Assessment Roll is shown in Attachment 1. Reference is hereby made to the King County Assessment Roll for a description of the Lots within CFD No. 2013-1.

Attachment 1

TABLE 1

PROPOSED ASSESSMENT		
Community Facilities District - CFD No. 2013-1		
LOT		ASSESSMENT
Number	Acreage	
1	8.28	\$ 1,282,132
2	34.46	2,074,951
3*	11.26	-
4	50.83	8,802,773
5	2.49	109,681
6*	3.79	-
7	10.00	438,723
8	6.21	683,336
9	37.71	2,107,439
10*	12.30	-
11	43.20	1,689,128
TPN -9096	157.27	3,282,081
Total:	377.80	\$ 20,470,243

** Lot is within the District and does not contain any residential, commercial or school development.*

Attachment 2

City of Black Diamond CFD No. 2013-1
Assessment Methodology Calculations

TABLE 1

Project #	Generated [1]	Equivalent Dwelling Units ("EDU") for All Road & Street Improvements											
		Single-Family	SFD	SFA	Multi-Family	Commercial (SF)	School (SF)	by Land Use Category [2]	SFD EDU	SFA EDU	Multi-Family EDU	Commercial EDU	School EDU
SR169, Roberts et al	340	165	130	35	35	130	10	(1)	1.00	0.778	0.686	0.00453	0.00164
Pipeline - interim	340	165	130	35	35	130	10	(3)	1.00	0.778	0.686	0.00453	0.00164
Pipeline roundabout	1,105	540	430	110	110	420	35	(4)	1.00	0.739	0.652	0.00443	0.00173
Onsite Spine Rd	870	430	340	90	90	325	25	(5)	1.00	0.765	0.674	0.00433	0.00156
Onsite Ring Rd	560	265	215	50	50	220	20	(6)	1.00	0.672	0.652	0.00464	0.00198
Grand Total [3]	3,215	1,565	1,245	320	325	1,225	100	N/A	N/A	N/A	N/A	N/A	N/A

[1] Trip generation data provided by Transpo Group. See below.

[2] Equivalent dwelling factors for projects 1, 3, 4, 5 & 6 computed by dividing total trips generated per project for each such land use by EDU factor.

[3] Calculations may vary slightly due to rounding.

Project-Specific Traffic Data Sources:

- (1) Based on PM peak hour traffic volumes on SR 169 north of Roberts Dr and south of BDRR
- (3) Based on PM peak hour traffic volumes entering ABDR/Lake Sawyer Rd
- (4) Based on PM peak hour traffic volumes on ABDR west of Onsite Spine Rd
- (5) Based on PM peak hour traffic volumes on Onsite Spine Rd south of ABDR
- (6) Based on PM peak hour traffic volumes on Onsite Ring Rd south of ABDR

TABLE 2

Apportionment of "Special Benefit" for All Road & Street Improvements						
Project No.	Weekday PM Peak Hour Vehicle Trips				% Benefit [5]	
	Existing [1]	Build-out [1]	Non-MPD Background [2]	Applicable [3]		District [4]
1	1,055	NA	169	509	340	66.8%
3	-	1,190	-	1,190	340	28.6%
4	-	2,770	-	2,770	1,105	39.9%
5	-	2,020	-	2,020	870	43.1%
6	-	840	-	840	560	66.7%
GRAND TOTAL [3]	1,055	6,820	169	7,329	3,215	N/A

[1] Trip generation data provided by Transpo Group.

[2] Existing traffic need within boundaries of CFD No. 2013-1 to be impacted by Project.

[3] Equals [build-out] minus [existing].

[4] As determined by Transpo Group based on % CFD trips.

[5] Calculations may vary slightly due to rounding.

TABLE 3

Equivalent Dwelling Units & Assessment by Lot CFD No. 2013-1 Project #1 - SR 169 /Roberts Dr / Black Diamond-Ravensdate Rd (Interim Intersection)			
Lot 1 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	-	1.00	-
(2) Multi-Family (DU)	185	0.686	126.9
(3) Commercial (SF)	-	0.00453	-
Total	185		126.9
Lot 2 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	206	0.96	198.2
(2) Multi-Family (DU)	-	0.686	-
(3) Commercial (SF)	-	0.00453	-
Total	206		198.2
Lot 4 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	172	0.91	157.1
(2) Multi-Family (DU)	153	0.686	104.9
(3) Commercial (SF)	190,000	0.00453	861.0
Total	325		1,123.0
Lot 7 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	-	1.00	-
(2) Multi-Family (DU)	-	0.686	-
(3) Commercial (SF)	-	0.00453	-
(3) School (SF)	40,500	0.00164	66.2
Total	-		66.2
Lot 8 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	66	1.00	66.0
(2) Multi-Family (DU)	-	0.686	-
(3) Commercial (SF)	-	0.00453	-
Total	66		66.0
Lot 9 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-family (DU)	117	1.00	117.0
Townhome (DU)	103	0.778	80.1
(1) Single-Family (DU)	220	0.90	197.1
(2) Multi-Family (DU)	-	0.686	-
(3) Commercial (SF)	-	0.00453	-
Total	220		197.1
Lot 11 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	178	0.88	157.3
(2) Multi-Family (DU)	-	0.686	-
(3) Commercial (SF)	-	0.00453	-
Total	178		157.3
Parcel 9096 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	317	1.00	317.0
(2) Multi-Family (DU)	-	0.686	-
(3) Commercial (SF)	-	0.00453	-
Total	317		317.0
LOT	Benefit Allocation	Equivalent Units	ALLOCATION BY LOT
1	5.6%	127	\$ 66,171
2	8.8%	198	103,382
4	49.9%	1,123	585,712
5	0.6%	13	6,908
7	2.4%	53	27,633
8	2.9%	66	34,421
9	8.8%	197	102,806
11	7.0%	157	82,060
PARCEL 9096	14.1%	317	165,327
GRAND TOTAL	100.0%	2,252	\$ 1,174,421

[1] See Table 1 for derivation of Project-specific EDU factor per Transpo Group.

[2] See "District Lot Summary" for Impacted Dwelling Unit Count.

[3] Calculations may vary slightly due to rounding.

TABLE 4

Equivalent Dwelling Units & Assessment by Lot Project #2 - Pipeline Rd Water Extension			
Lot 1 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-family (DU)	-	1.00	-
(2) Multi-Family (DU)	185	0.667	123.3
(3) Commercial (SF)	-	1,250	-
Total	185		123.3
Lot 2 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-family (DU)	171	1.00	171.0
(2) Multi-Family (DU)	-	0.667	-
(3) Commercial (SF)	-	1,250	-
Total	206		206.0
Lot 4 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-family (DU)	105	1.00	105.0
(2) Multi-Family (DU)	153	0.667	102.0
(3) Commercial (SF)	190,000	1,250	152.0
Total	325		426.0
Lot 7 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-family (DUs)	-	1.00	-
(2) Multi-Family (DU)	-	0.667	-
(3) Commercial (SF)	-	1,250	-
(3) School (# students)	450	0.0530	23.9
Total	-		23.9
Lot 8 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-family (DU)	66	1.00	66.0
(2) Multi-Family (DU)	-	0.667	-
(3) Commercial (SF)	-	1,250	-
Total	66		66.0
Lot 9 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-family (DU)	117	1.00	117.0
(2) Multi-Family (DU)	-	0.667	-
(3) Commercial (SF)	-	1,250	-
Total	220		220.0
Lot 11 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-family (DU)	85	1.00	85.0
(2) Multi-Family (DU)	-	0.667	-
(3) Commercial (SF)	-	1,250	-
Total	178		178.0
Parcel 9096 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-family (DU)	317	1.00	317.0
(2) Multi-Family (DU)	-	0.667	-
(3) Commercial (SF)	-	1,250	-
Total	317		317.0
LOT	Benefit Allocation	Equivalent Units	ALLOCATION BY LOT
1	7.9%	123	\$ 181,654
2	13.2%	206	303,412
4	27.3%	426	627,444
5	0.3%	5	7,026
7	1.2%	19	28,102
8	4.2%	66	97,210
9	14.1%	220	324,032
11	11.4%	178	262,171
PARCEL 9096	20.3%	317	466,901
GRAND TOTAL	100.0%	1,560	\$ 2,297,952

[1] Per Triad Associates, EDU factor set at Single-Family = 1.00 EDU, Multi-Family = 0.667 EDU due to reduction in use of Improvement; Commercial = 1,250 SF/EDU and School = 0.053 EDU/student to reflect use of Improvement by projected type of business within District.

[2] See "District Lot Summary" for Impacted Dwelling Unit Count.

[3] Calculations may vary slightly due to rounding.

TABLE 5

Equivalent Dwelling Units & Assessment by Lot Project #3 - Pipeline Rd (Tie to Interim Improvement)			
Lot 1 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	-	1.00	-
(2) Multi-Family (DU)	185	0.686	126.9
(3) Commercial (SF)	-	0.00453	-
Total	185		126.9
Lot 2 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	206	0.96	198.2
(2) Multi-Family (DU)	-	0.686	-
(3) Commercial (SF)	-	0.00453	-
Total	206		198.2
Lot 4 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	172	0.91	157.1
(2) Multi-Family (DU)	153	0.686	104.9
(3) Commercial (SF)	190,000	0.00453	861.0
Total	325		1,123.0
Lot 7 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	-	1.00	-
(2) Multi-Family (DU)	-	0.686	-
(3) Commercial (SF)	-	0.00453	-
(3) School (SF)	40,500	0.00164	66.2
Total	-		66.2
Lot 8 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	66	1.00	66.0
(2) Multi-Family (DU)	-	0.686	-
(3) Commercial (SF)	-	0.00453	-
Total	66		66.0
Lot 9 - Land Use	Dwelling Units	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	220	0.90	197.1
(2) Multi-Family (DU)	-	0.686	-
(3) Commercial (SF)	-	0.00453	-
Total	220		197.1
Lot 11 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU) Subtotal	178	0.88	157.3
(2) Multi-Family (DU)	-	0.686	-
(3) Commercial (SF)	-	0.00453	-
Total	178		157.3
Parcel 9096 - Land Use	Dwelling Units	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	317	1.00	317.0
(2) Multi-Family (DU)	-	0.686	-
(3) Commercial (SF)	-	0.00453	-
Total	317		317.0
LOT	Benefit Allocation	Equivalent Units	ALLOCATION BY LOT
1	5.6%	127	\$ 155,138
2	8.8%	198	242,379
4	49.9%	1,123	1,373,199
5	0.6%	13	16,197
7	2.4%	53	64,787
8	2.9%	66	80,701
9	8.8%	197	241,029
11	7.0%	157	192,390
PARCEL 9096	14.1%	317	387,609
GRAND TOTAL	100.0%	2,252	\$ 2,753,429

[1] See Table 1 for derivation of Project-specific EDU factor per Transpo Group.

[2] See "District Lot Summary" for Impacted Dwelling Unit Count.

[3] Calculations may vary slightly due to rounding.

TABLE 6

Equivalent Dwelling Units & Assessment by Lot Project #4 - Lake Sawyer / Pipeline Rd Roundabout			
Lot 1 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	-	1.00	-
(2) Multi-Family (DU)	185	0.652	120.6
(3) Commercial (SF)	-	0.00443	-
Total	185		120.6
Lot 2 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	206	0.96	196.9
(2) Multi-Family (DU)	-	0.652	-
(3) Commercial (SF)	-	0.00443	-
Total	206		196.9
Lot 4 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	172	0.90	154.5
(2) Multi-Family (DU)	153	0.652	99.7
(3) Commercial (SF)	190,000	0.00443	841.0
Total	325	3.37	1,095.2
Lot 7 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	-	1.00	-
(2) Multi-Family (DU)	-	0.652	-
(3) Commercial (SF)	-	0.00443	-
(3) School (SF)	40,500	0.00173	70.1
Total	-	0.00	70.1
Lot 8 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	66		66.0
(2) Multi-Family (DU)	-	0.652	-
(3) Commercial (SF)	-	0.00443	-
Total	66		66.0
Lot 9 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	220	0.88	193.1
(2) Multi-Family (DU)	-	0.652	-
(3) Commercial (SF)	-	0.00443	-
Total	220		193.1
Lot 11 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	178	0.86	153.7
(2) Multi-Family (DU)	-	0.652	-
(3) Commercial (SF)	-	0.00443	-
Total	178		153.7
Parcel 9096 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	317	1.00	317.0
(2) Multi-Family (DU)	-	0.652	-
(3) Commercial (SF)	-	0.00443	-
Total	317		317.0
LOT	Benefit Allocation	Equivalent Units	ALLOCATION BY LOT
1	5.4%	121	\$ 23,909
2	8.9%	197	39,044
4	49.5%	1,095	217,206
5	0.6%	14	2,780
7	2.5%	56	11,119
8	3.0%	66	13,089
9	8.7%	193	38,302
11	6.9%	154	30,490
PARCEL 9096	14.3%	317	62,869
GRAND TOTAL	100.0%	2,213	\$ 438,809

[1] See Table 1 for derivation of Project-specific EDU factor per Transpo Group.

[2] See "District Lot Summary" for Impacted Dwelling Unit Count.

[3] Calculations may vary slightly due to rounding.

TABLE 7

Equivalent Dwelling Units & Assessment by Lot Project #5 - Onsite Spine Road			
Lot 1 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	-	1.00	-
(2) Multi-Family (DU)	185	0.674	124.7
(3) Commercial (SF)	-	0.00433	-
Total	185		124.7
Lot 2 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	206	0.96	197.8
(2) Multi-Family (DU)	-	0.674	-
(3) Commercial (SF)	-	0.00433	-
Total	206		197.8
Lot 4 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	172	0.91	156.2
(2) Multi-Family (DU)	153	0.674	103.2
(3) Commercial (SF)	190,000	0.00433	823.0
Total	325		1,082.4
Lot 7 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	-	1.00	-
(2) Multi-Family (DU)	-	0.674	-
(3) Commercial (SF)	-	0.00433	-
(3) School (SF)	40,500	0.00156	63.3
Total	-		63.3
Lot 8 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	66	1.00	66.0
(2) Multi-Family (DU)	-	0.674	-
(3) Commercial (SF)	-	0.00433	-
Total	66		66.0
Lot 9 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	220	0.89	195.8
(2) Multi-Family (DU)	-	0.674	-
(3) Commercial (SF)	-	0.00433	-
Total	220		195.8
Lot 11 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	178	0.88	156.1
(2) Multi-Family (DU)	-	0.674	-
(3) Commercial (SF)	-	0.00433	-
Total	178		156.1
Parcel 9096 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	317	1.00	317.0
(2) Multi-Family (DU)	-	0.674	-
(3) Commercial (SF)	-	0.00433	-
Total	317		317.0
LOT	Benefit Allocation	Equivalent Units	ALLOCATION BY LOT
1	5.7%	125	\$ 192,140
2	9.0%	198	304,615
4	49.1%	1,082	1,667,219
5	0.6%	13	19,502
7	2.3%	51	78,010
8	3.0%	66	101,657
9	8.9%	196	301,545
11	7.1%	156	240,477
PARCEL 9096	14.4%	317	488,264
GRAND TOTAL	100.0%	2,203	\$ 3,393,429

[1] See Table 1 for derivation of Project-specific EDU factor per Transpo Group.

[2] See "District Lot Summary" for Impacted Dwelling Unit Count.

[3] Calculations may vary slightly due to rounding.

TABLE 8

Equivalent Dwelling Units & Assessment by Lot Project #6 - Onsite Ring Road			
Lot 1 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	-	1.00	-
(2) Multi-Family (DU)	185	0.652	120.6
(3) Commercial (SF)	-	0.00464	-
Total	185		120.6
Lot 2 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	206	0.94	194.5
(2) Multi-Family (DU)	-	0.652	-
(3) Commercial (SF)	-	0.00464	-
Total	206		194.5
Lot 4 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	172	0.87	150.0
(2) Multi-Family (DU)	153	0.652	99.7
(3) Commercial (SF)	190,000	0.00464	881.0
Total	325		1,130.7
Lot 7 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	-	1.00	-
(2) Multi-Family (DU)	-	0.652	-
(3) Commercial (SF)	-	0.00464	-
(3) School (SF)	40,500	0.00198	80.1
Total	-		80.1
Lot 8 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	66	1.00	66.0
(2) Multi-Family (DU)	-	0.652	-
(3) Commercial (SF)	-	0.00464	-
Total	66		66.0
Lot 9 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	220	0.85	186.2
(2) Multi-Family (DU)	-	0.652	-
(3) Commercial (SF)	-	0.00464	-
Total	220		186.2
Lot 11 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	178	0.83	147.5
(2) Multi-Family (DU)	-	0.652	-
(3) Commercial (SF)	-	0.00464	-
Total	178		147.5
Parcel 9096 - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	317	1.00	317.0
(2) Multi-Family (DU)	-	0.652	-
(3) Commercial (SF)	-	0.00464	-
Total	317		317.0
LOT	Benefit Allocation	Equivalent Units	ALLOCATION BY LOT
1	5.4%	121	\$ 167,367
2	8.7%	195	270,050
4	50.4%	1,131	1,569,824
5	0.7%	16	22,239
7	2.9%	64	88,955
8	2.9%	66	91,629
9	8.3%	186	258,515
11	6.6%	147	204,760
PARCEL 9096	14.1%	317	440,095
GRAND TOTAL	100.0%	2,243	\$ 3,113,433

[1] See Table 1 for derivation of Project-specific EDU factor per Transpo Group.

[2] See "District Lot Summary" for Impacted Dwelling Unit Count.

[3] Calculations may vary slightly due to rounding.

TABLE 9

Equivalent Dwelling Units & Assessment by Phase Project #7 - STORM POND			
District - Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	1,159	1.00	1,159.0
(2) Multi-Family (DU)	338	0.667	225.3
(3) Commercial (SF)	190,000	1,250	152.0
(3) School (SF)	40,500	1,250	32.4
Total	1,159		1,569
Villages Phase 2 - Future Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	185	1.00	185.0
(2) Multi-Family (DU)	166	0.667	110.7
(3) Commercial (Sq.Ft.)	298,000	1,250	238.4
Total	351		534
Villages Phase 3 - Future Land Use	Impacted DUs	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	-	1.00	-
(2) Multi-Family (DU)	-	0.667	-
Total	-		-
	Impacted DUs	Benefit Allocation	Equivalent Units
District	1,159	74.6%	1,569
Future Development - Villages Phase 2	351	25.4%	534
Future Development - Villages Phase 3	-	0.0%	-
GRAND TOTAL	1,510	100.0%	2,103

[1] Per Triad Associates, EDU factor set at Single-Family = 1 EDU, Multi-Family = 0.667

EDU due to reduction in use of Improvement, and Commercial & School = 1,250 sq.ft. per EDU to reflect use of Improvement by projected type of business within District.

[2] See "District Lot Summary" for Dwelling Unit Count, as well as CFD Site Plan Assessment Diagram (included).

[3] Calculations may vary slightly due to rounding.

TABLE 10

Equivalent Dwelling Units & Assessment by Lot Project #7 - STORM POND			
Lot 1 - Land Use	Dwelling Units	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	-	1.00	-
(2) Multi-Family (DU)	185	0.667	123.3
(3) Commercial (SF)	-	1,250	-
Total	185		123.3
Lot 2 - Land Use	Dwelling Units	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	206	1.00	206.0
(2) Multi-Family (DU)	-	0.667	-
(3) Commercial (SF)	-	1,250	-
Total	206		206.0
Lot 4 - Land Use	Dwelling Units	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	172	1.00	172.0
(2) Multi-Family (DU)	153	0.667	102.0
(3) Commercial (SF)	190,000	1,250	152.0
Total	325		426.0
Lot 7 - Land Use	Dwelling Units	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	-	1.00	-
(2) Multi-Family (DU)	-	0.667	-
(3) Commercial (SF)	-	1,250	-
(3) School (SF)	40,500	1,250	32.4
Total	-		32.4
Lot 8 - Land Use	Dwelling Units	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	66	1.00	66.0
(2) Multi-Family (DU)	-	0.667	-
(3) Commercial (SF)	-	1,250	-
Total	66		66.0
Lot 9 - Land Use	Dwelling Units	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	220	1.00	220.0
(2) Multi-Family (DU)	-	0.667	-
(3) Commercial (SF)	-	1,250	-
Total	220		220.0
Lot 11 - Land Use	Dwelling Units	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	178	1.00	178.0
(2) Multi-Family (DU)	-	0.667	-
(3) Commercial (SF)	-	1,250	-
Total	178		178.0
Parcel 9096 - Land Use	Dwelling Units	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	317	1.00	317.0
(2) Multi-Family (DU)	-	0.667	-
(3) Commercial (SF)	-	1,250	-
Total	317		317.0
LOT	Benefit Allocation	Equivalent Units	ALLOCATION BY LOT
1	7.9%	123	\$ 103,356
2	13.1%	206	172,633
4	27.2%	426	356,999
5	0.4%	6	5,430
7	1.7%	26	21,722
8	4.2%	66	55,310
9	14.0%	220	184,366
11	11.3%	178	149,169
PARCEL 9096	20.2%	317	265,654
GRAND TOTAL	100.0%	1,569	\$ 1,314,639

[1] Per Triad Associates, EDU factor set at Single-Family = 1 EDU, Multi-Family = 0.667 EDU due to reduction in use of Improvement, and Commercial & School = 1,250 sq.ft. per EDU to reflect use of Improvement by projected type of business within District.

[2] See "District Lot Summary" for Impacted Dwelling Unit Count.

[3] Calculations may vary slightly due to rounding.

TABLE 11

Equivalent Dwelling Units & Assessment by Phase Project #8 - Sewer Lift Station			
District - Land Use	Dwelling Units	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	1,159	1.00	1,159.0
(2) Multi-Family (DU)	338	0.667	225.3
(3) Commercial (SF)	190,000	1,250	152.0
(3) School (# students)	450	0.0530	23.9
Total	1,497		1,560.2
Villages Phase 2 - Future Land Use	Dwelling Units	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	185	1.00	185.0
(2) Multi-Family (DU)	166	0.667	110.7
(3) Commercial (Sq.Ft.)	298,000	1,250	238.4
Total	351		534.1
Villages Phase 3 - Future Land Use	Dwelling Units	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	-	1.00	-
(2) Multi-Family (DU)	-	0.667	-
Total	-		-
Outside Villages Future Dev 3 - Land Use	Dwelling Units	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	80	1.00	80.0
(2) Multi-Family (DU)	-	0.667	-
Total	80		80.0
		Benefit Allocation	Equivalent Units
District	1,497	71.8%	1,560.2
Future Development - Villages Phase 2	351	24.6%	534.1
Future Development - Villages Phase 3	-	0.0%	-
Future Dev - Outside of Villages Masterplan	80	3.7%	80
GRAND TOTAL	1,928	100.0%	2,174

[1] Per Triad Associates, EDU factor set at Single-Family = 1.00 EDU, Multi-Family = 0.667 EDU due to reduction in use of Improvement; Commercial = 1,250 SF/EDU and School = 0.053 EDU/student to reflect use of Improvement by projected type of business within District.

[2] See "District Lot Summary" for Dwelling Unit Count, as well as CFD Site Plan Assessment Diagram (included).

[3] Calculations may vary slightly due to rounding.

TABLE 12

Equivalent Dwelling Units & Assessment by Lot Project #8 - SEWER LIFT STATION			
Lot 1 - Land Use	Dwelling Units	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	-	1.00	-
(2) Multi-Family (DU)	185	0.667	123.3
(3) Commercial (SF)	-	1,250	-
Total	185		123.3
Lot 2 - Land Use	Dwelling Units	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	206	1.00	206.0
(2) Multi-Family (DU)	-	0.667	-
(3) Commercial (SF)	-	1,250	-
Total	206		206.0
Lot 4 - Land Use	Dwelling Units	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	172	1.00	172.0
(2) Multi-Family (DU)	153	0.667	102.0
(3) Commercial (SF)	190,000	1,250	152.0
Total	325		426.0
Lot 7 - Land Use	Dwelling Units	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	-	1.00	-
(2) Multi-Family (DU)	-	0.667	-
(3) Commercial (SF)	-	1,250	-
(3) School (# students)	450	0.0530	23.9
Total	-		23.9
Lot 8 - Land Use	Dwelling Units	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	66	1.00	66.0
(2) Multi-Family (DU)	-	0.667	-
(3) Commercial (SF)	-	1,250	-
Total	66		66.0
Lot 9 - Land Use	Dwelling Units	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	220	1.00	220.0
(2) Multi-Family (DU)	-	0.667	-
(3) Commercial (SF)	-	1,250	-
Total	220		220.0
Lot 11 - Land Use	Dwelling Units	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	178	1.00	178.0
(2) Multi-Family (DU)	-	0.667	-
(3) Commercial (SF)	-	1,250	-
Total	178		178.0
Parcel 9096 - Land Use	Dwelling Units	Equivalent Unit Factor	Equivalent Units
(1) Single-Family (DU)	317	1.00	317.0
(2) Multi-Family (DU)	-	0.667	-
(3) Commercial (SF)	-	1,250	-
Total	317		317.0
LOT	Benefit Allocation	Equivalent Units	ALLOCATION BY LOT
1	7.9%	123	\$ 84,685
2	13.2%	206	141,446
4	27.3%	426	292,506
5	0.3%	5	3,275
7	1.2%	19	13,101
8	4.2%	66	45,318
9	14.1%	220	151,059
11	11.4%	178	122,221
PARCEL 9096	20.3%	317	217,663
GRAND TOTAL	100.0%	1,560	\$ 1,071,274

[1] Per Triad Associates, EDU factor set at Single-Family = 1.00 EDU, Multi-Family = 0.667 EDU due to reduction in use of Improvement; Commercial = 1,250 SF/EDU and School = 0.053 EDU/student to reflect use of Improvement by projected type of business within District.

[2] See "District Lot Summary" for Impacted Dwelling Unit Count.

[3] Calculations may vary slightly due to rounding.

Assumptions "Special Benefit" Apportionment CFD No. 2013-1			
(1)	Persons Per Household (SF) [P.E. Factor]	2.70	Final Environmental Impact Statement, Villages Master Planned Development, City of Black Diamond, Washington, prepared by Parametrix (December 2009)
(2)	Persons Per Household (MF) [P.E. Factor]	1.85	Final Environmental Impact Statement, Villages Master Planned Development, City of Black Diamond, Washington, prepared by Parametrix (December 2009)
(3)	District Count (residential DUs)	1,497	Yarrow Bay Holdings
(4)	Single-Family (residential DUs)	1,159	Yarrow Bay Holdings
(5)	Multi-family (residential DUs)	338	Yarrow Bay Holdings
(6)	Non-Residential bldg area (SF)	190,000	The Villages MPD Preliminary Plat 1A
(6)	Retail bldg area (SF)	160,000	The Villages MPD Preliminary Plat 1A
(6)	Other bldg area (SF)	0	The Villages MPD Preliminary Plat 1A
(6)	Office bldg area (SF)	30,000	The Villages MPD Preliminary Plat 1A
(7)	450-student Elementary School bldg area (SF)	40,500	Enumclaw School District's Capital Facilities Plan (June 2012); Comprehensive School Mitigation Agreement dated January 24, 2011.
(8)	Traffic Data		Transpo Group
(9)	Sewer, Water, and Storm Drain Data		Triad Associates

The District
General Reference Materials

Preliminary Plan Sets:

- The Villages - Phase IA Preliminary Plat (1/21/11)
- The Villages - SR-169 Phase 1 (4/6/11)
- The Villages - Roberts Drive Water Main Extension Plans (4/15/11)
- The Villages - Auburn-Black Diamond Road Frontage Improvement Plans (5/17/11)

Preliminary Reports / Cost Estimates:

- The Villages and Lawson Hills - Preliminary Cost Estimates, Pro-Rata Shares and Triggering ERU's for Frontage & Offsite Roadway Improvement Projects (3/7/11)
- Triad Associates and Transpo Group specified the number and Lot location of "DUs" impacted by each Project Improvement, as well as, the respective EDU/EBU factors used to apportion special benefit.
- Black Diamond Preliminary Estimate - J.R. Hayes & Sons (10/24/08)
- The Villages Preliminary Estimate - J.R. Hayes & Sons (7/9/10)
- The Villages & Lawson Hills - Infrastructure Timing Plan (7/9/10)
- Project Breakdown- The Villages - Pacific Landscape Management, Inc. (1/10/11)
- Enumclaw School District No. 216 Capital Facilities Plan adopted by the School Board on June 18, 2012
- Comprehensive School Mitigation Agreement between BD Lawson Partners, LP, BD Village Partners, The City of Black Diamond and the Enumclaw School District dated January 24, 2011.
- "Impact Fees for Fire Protection Facilities in City of Black Diamond, WA ("Fire Study")" conducted by Henderson Young & Company (1/13/2011)

- [1] *None of the referenced plans have been reviewed or approved for construction.*
- [2] *Excerpts from the above plans/reports may be provided, for reference, by request.*
- [3] *Specific assumptions are provided within many of the individual cost estimates.*
- [4] *Many of the cost estimates are based upon 'per linear foot' costs of similar sized projects.*
- [5] *Many of these preliminary analyses have been produced as general guides. Formal CFD budgets will require refined analyses.*

Attachment 3

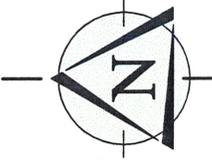
City of Black Diamond CFD No. 2013-1
Site Plans and Project Maps

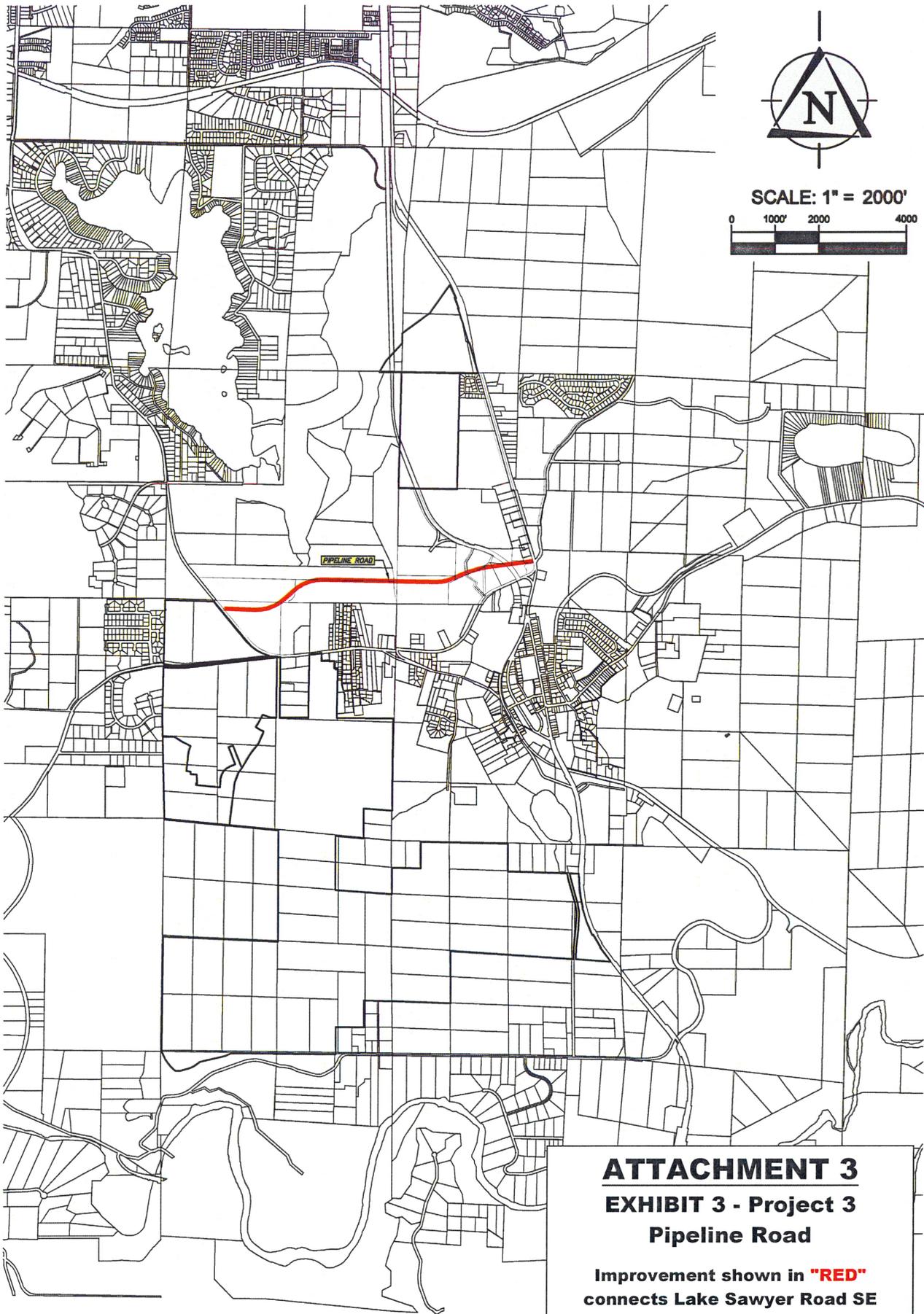


ATTACHMENT 3

EXHIBIT 2 - Project 2 Pipeline Road

Water Main Extension
Legend: "blue line" = waterline

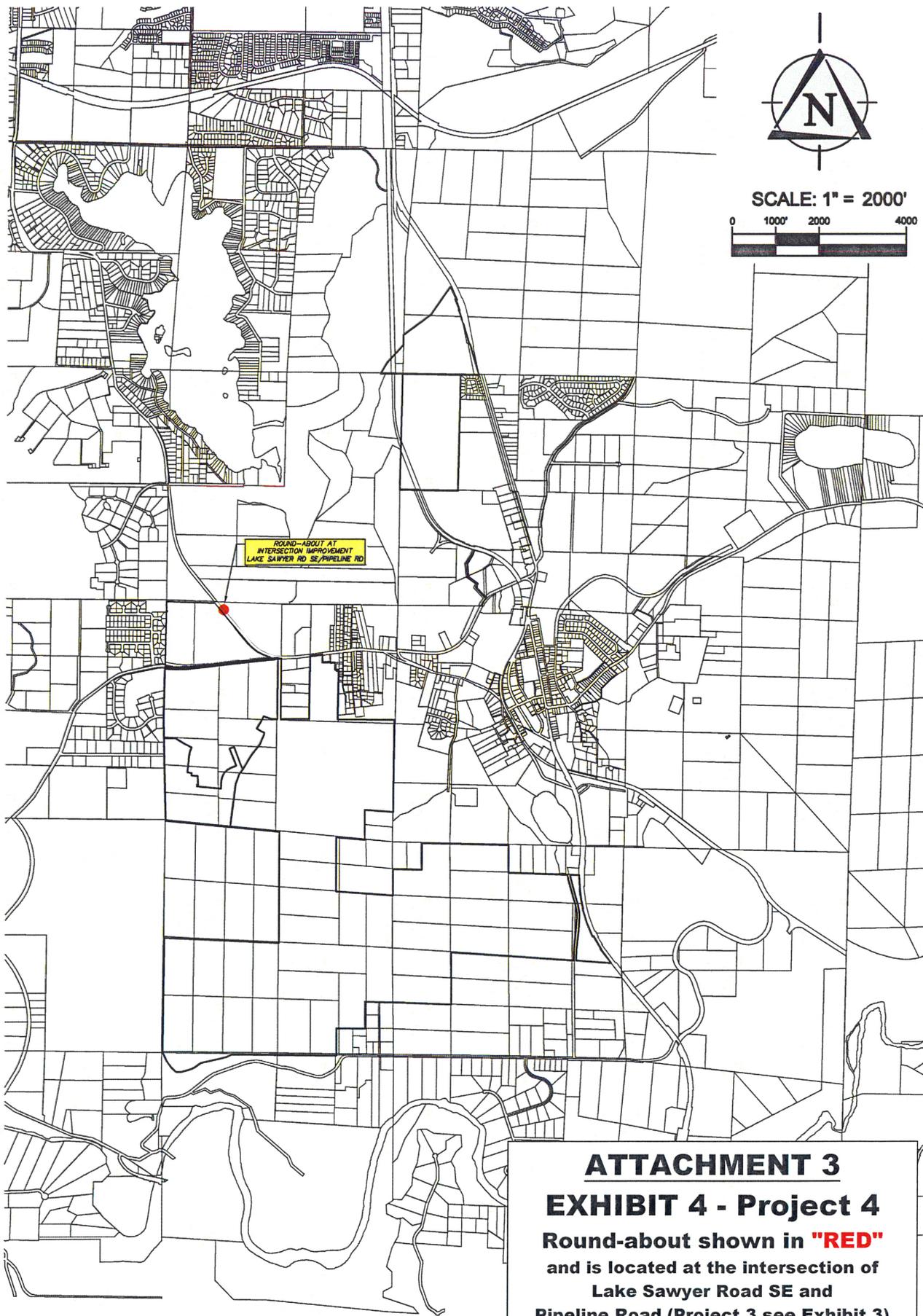




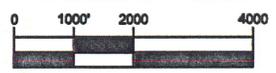
ATTACHMENT 3
EXHIBIT 3 - Project 3
Pipeline Road

Improvement shown in **"RED"**
connects Lake Sawyer Road SE
to 3rd Avenue and
Black Diamond Ravensdale Road

PIPELINE ROAD



SCALE: 1" = 2000'



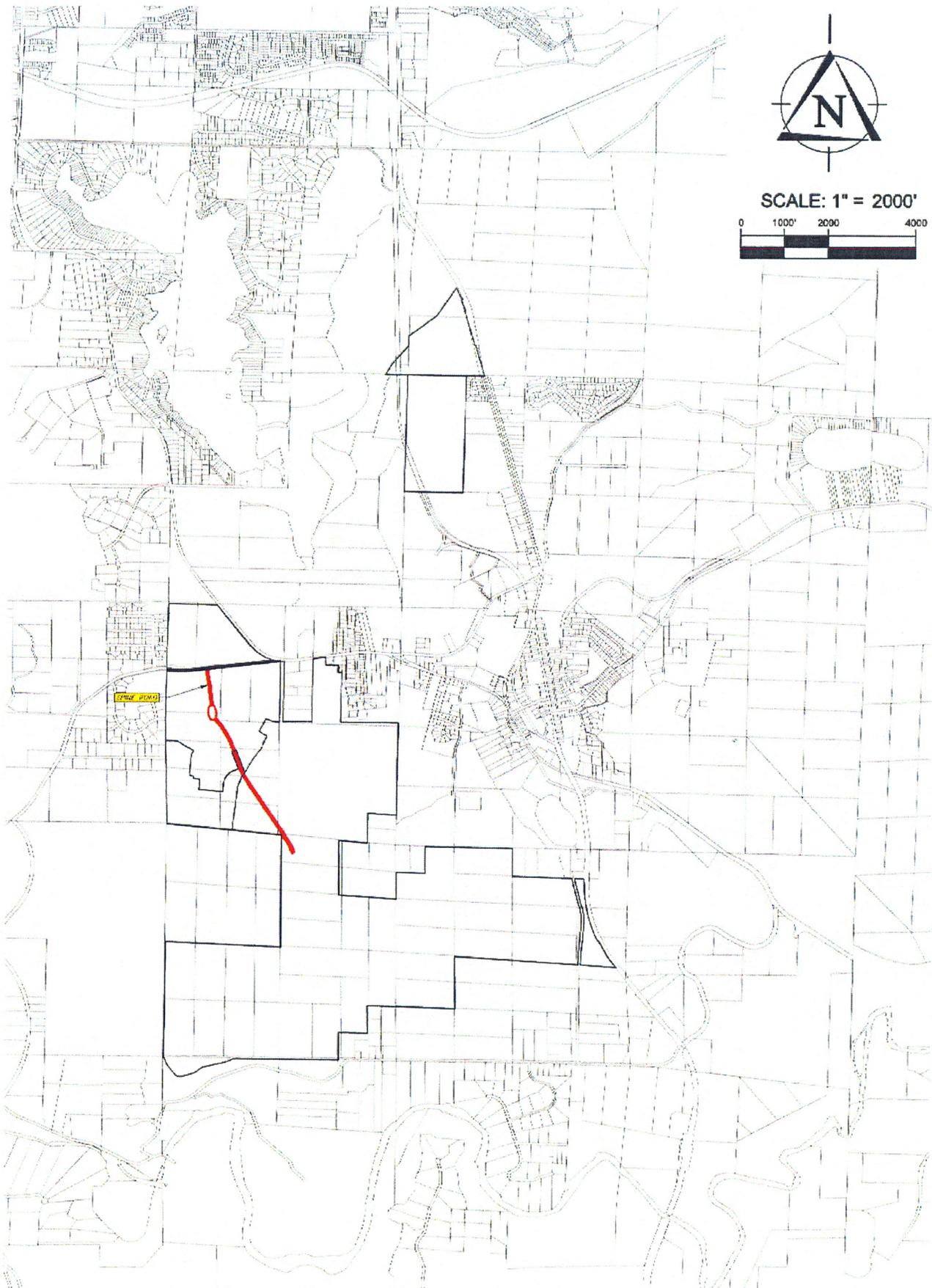
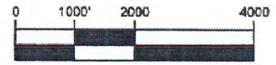
ROUND-ABOUT AT
INTERSECTION IMPROVEMENT
LAKE SAWYER RD SE/PIPELINE RD

ATTACHMENT 3
EXHIBIT 4 - Project 4
Round-about shown in **"RED"**
and is located at the intersection of
Lake Sawyer Road SE and
Pipeline Road (Project 3 see Exhibit 3)

ROUND-ABOUT LAKE SAWYER ROAD SE/PIPELINE ROAD

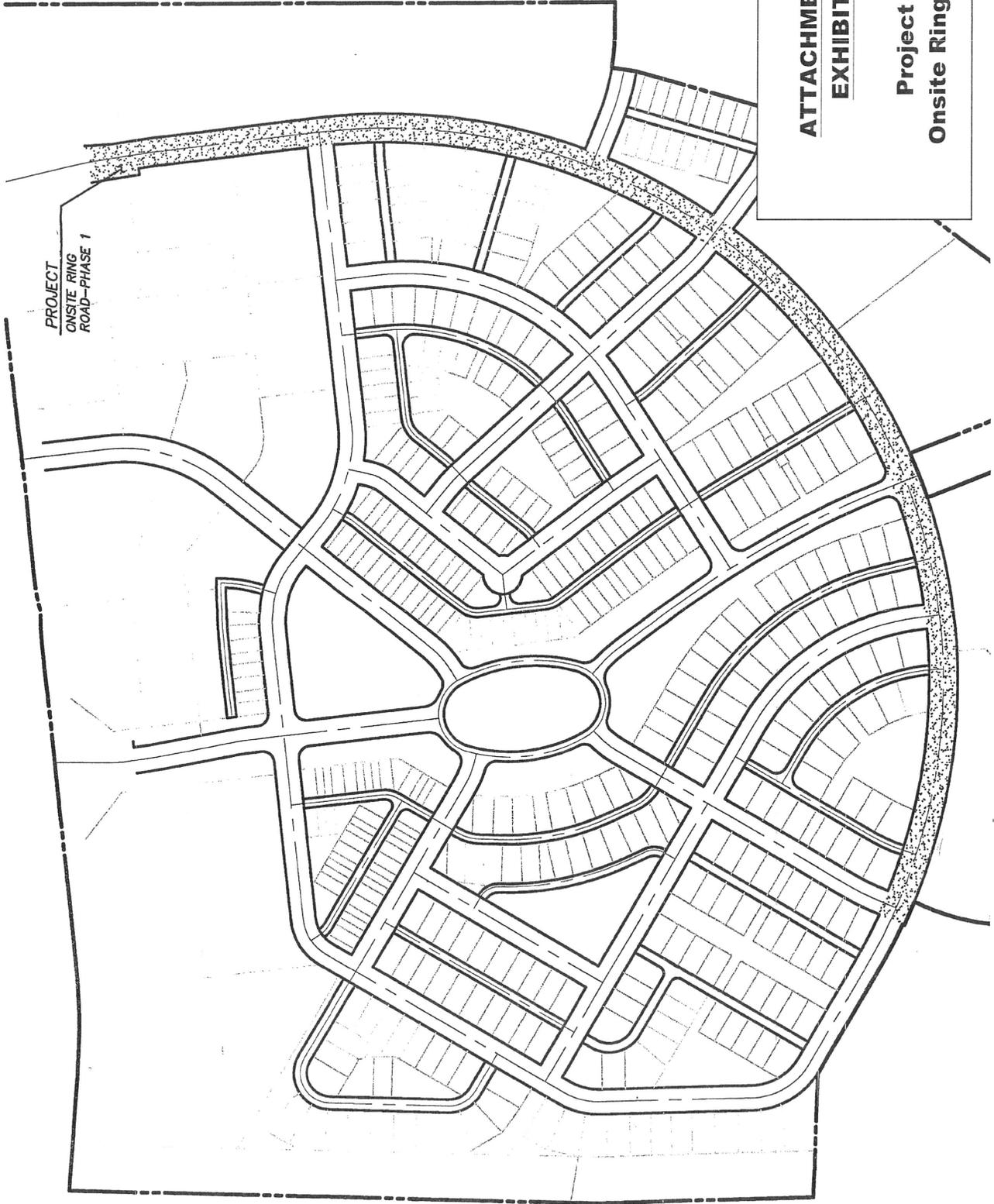


SCALE: 1" = 2000'



ATTACHMENT 3 - EXHIBIT 5
Project 5:

PHASE 1A SPINE ROAD



PROJECT
ONSITE RING
ROAD-PHASE 1

ATTACHMENT 3
EXHIBIT 6

Project 6:
Onsite Ring Road

ATTACHMENT 3

MEMORANDUM

August 15, 2013

To: YarrowBay Holdings
From: David Taussig and Associates, Inc.
Subject: Updated Total Residential Taxes & Levy Schedule for Black Diamond and Neighboring Cities

Below are the total 2013 residential taxes per \$1,000 of assessed value for Black Diamond, Washington (both within and without CFD No. 2013-1) and neighboring cities:

TABLE 1

City	Total Tax per \$1,000 of Assessed Value [1]
Black Diamond <i>without CFD No. 2013-1</i>	\$14.06
Maple Valley	\$14.89
Covington	\$14.42
Enumclaw	\$13.74
Issaquah	\$11.67
Auburn	\$15.27
Kent	\$14.57
Black Diamond <i>within CFD No. 2013-1 [2]</i>	\$16.57

NOTES

[1] Source: YarrowBay Holdings Property Tax Bills for Black Diamond Parcels; "2013 Assessed Valuation and Taxes by City," King County Department of Assessments (attached). Confirmed by (a) "2013 Codes and Levies – King County Taxing Districts" and (b) "King County Levy Rate Distribution," both produced by the King County Department of Assessments. Rates vary within cities; the rate shown is the predominant rate. Total includes, where applicable, the following levies: state and county, city, school, water, fire, hospital, library, EMS, flood, ferry, transportation, port, and general obligation bonds.

[2] Reflects the addition of CFD No. 2013-1 assessments to the Black Diamond total tax of \$14.06 per \$1,000 of assessed value. CFD No. 2013-1 assessments and total taxes assume that all single-family residential units have a sales price of \$319,000 and multi-family units have a sales price of \$150,000. The weighted average across all land use types is an increase of \$2.51 per \$1,000 of assessed value. CFD No. 2013-1 assessments and total taxes are as follows:

TABLE 2

Product Category	CFD Product Mix (No. Dwelling Units)	Estimated Average Annual Assessment (per Dwelling Unit)	Annual Assessment per \$1,000 of Sales Price	Tax per \$1,000 for CFD Properties
Single-family detached	861	\$753	\$2.36	\$16.42
Single-family attached	289	\$632	\$1.98	\$16.04
Multi-family	338	\$504	\$3.36	\$17.42
Weighted Average:			\$2.51	\$16.57

**All figures subject to rounding*

For example, with a \$4,485 estimated average assessment per single-family detached unit at a \$319,000 home sales price, the total tax would be [14.06 per \$1,000 of assessed value (see Table 1 above) + \$2.36 per \$1,000 levied by CFD No. 2013-1] = \$16.42 per \$1,000. A single-family attached unit would be subject to a total annual tax of \$16.42 per \$1,000 of assessed value. The weighted average of these CFD 2013 taxes is \$2.51 per \$1,000 of assessed value. Alternatively the \$319,000 single-family detached unit would have a tax rate of 1.642%.

ATTACHMENT 4

UNDERTAKING AGREEMENT

This **UNDERTAKING AGREEMENT** (the “**Agreement**”) is entered into this ___ day of _____, 2013, by and between the CITY OF BLACK DIAMOND, a non charter code city in the State of Washington, operating under the provisions of Chapter 35A RCW (“**Black Diamond**” or “**City**”) and BD Village Partners, LP, a Washington limited partnership (“**YarrowBay**”).

RECITALS

WHEREAS, YarrowBay is preparing to develop a Master Planned Development in the City known as The Villages (“**The Villages**”); and

WHEREAS, the costs of on-site and off-site infrastructure, such as roads, water, stormwater and wastewater facilities and similar facilities, to support development in The Villages and to serve existing and future City and regional growth will cost tens of millions of dollars; and

WHEREAS, funding for such infrastructure is seriously constrained at both the public and private levels; and

WHEREAS, YarrowBay has petitioned the City, pursuant to Ch. 36.145 RCW (“**Petition**”), to form Black Diamond Community Facilities District No. 2013-1 (“**CFD**”) to finance a part of the on-site and off-site infrastructure described above which is more fully described in the Petition (“**CFD Improvements**”); and

WHEREAS, if the CFD funding is invested in the CFD Improvements, YarrowBay is willing and able to commit private funding to advance the portions of the costs of the CFD Improvements that directly benefit the City and the region and are not covered by the CFD funding; and

WHEREAS, if the CFD funding is invested in the CFD Improvements, YarrowBay is also willing and able to commit private funding to support early construction of a new City fire station (the “**Satellite Fire Station**”) as defined in The Villages Master Planned Development Agreement between YarrowBay and the City dated December 12, 2011 under King County Recording No. 20120130000655 (the “**Development Agreement**”) that otherwise might not be funded and constructed until some years in the future;

NOW, THEREFORE, in consideration of the mutual promises set forth herein and other good and valuable consideration, the adequacy, sufficiency, and receipt of which are hereby acknowledged, the parties hereby voluntarily mutually agree as follows:

AGREEMENT

1. In consideration of the City's approval of the CFD, YarrowBay hereby voluntarily agrees to perform the following two obligations:

- A. **CFD Improvements Funding Shortfalls:** When the CFD contracts for the CFD Improvements and sells CFD bonds to finance the CFD Improvements, YarrowBay shall invest private funds consistent with the terms of the Development Agreement to finance the portions of the CFD Improvements that provide a direct benefit to the City and the region and which are not properly charged to the properties within the CFD.
- B. **Satellite Fire Station:** When the CFD contracts for the CFD Improvements and sells CFD bonds to finance the CFD Improvements, YarrowBay shall provide private financing to facilitate construction of a new fire station in the City prior to the threshold triggers set forth in Section 13.4(D) of the Development Agreement. The new fire station is generally described in Section 13.4(D) of the Development Agreement as a satellite fire station consisting of two bays and not exceeding 4,915 square feet and is further described in the "Impact Fees for Fire Protection Facilities" study dated January 13, 2011 as set forth in Exhibit "T" to the Development Agreement (the "**Satellite Fire Station**"). YarrowBay funds shall be available so that the Satellite Fire Station design phase can be commenced when the City issues the first (1st) dwelling unit building permit in The Villages with construction to immediately follow thereafter. Notwithstanding the foregoing, if the CFD board of supervisors determines in good faith and its reasonable discretion that: (i) any of the CFD Improvements cannot be constructed due to engineering infeasibility or construction cost overruns; or (ii) that the issuance of CFD bonds for the financing for a given CFD Improvement should be delayed, YarrowBay shall still provide private financing to facilitate construction of the Satellite Fire Station on the terms set forth herein provided the amount of the CFD bonds sold exceeds the amount of private financing required from YarrowBay to design and construct the Satellite Fire Station.

[signatures on the following page]

BD VILLAGE PARTNERS, L.P., a Washington limited partnership

By: Yarrow Bay Development, LLC, a
Washington limited liability company, its
General Partner

By: BRNW, Inc., a Washington corporation,
its Member

By: _____
Brian Ross, President

CITY OF BLACK DIAMOND

Rebecca Olness, Mayor

Attest:

Brenda Martinez

Approved as to Form:

_____, Black Diamond City Attorney

CITY COUNCIL AGENDA BILL

City of Black Diamond
Post Office Box 599
Black Diamond, WA 98010

ITEM INFORMATION		
SUBJECT: Public Hearing - Proposed Ordinances setting the Property Tax dollar amount for 2014 and also specifying the 1% property tax increase to be used for Public Safety.	Agenda Date: November 7, 2013	
	AB13-081	
	Department/Committee/Individual	
	Mayor Rebecca Olness	
	City Administrator – Mark Hoppen	
	City Attorney – Chris Bacha	
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	X
	Public Works – Seth Boettcher	
	Economic Devel. – Andy Williamson	
Police – Jamey Kiblinger		
Court – Stephanie Metcalf		
Cost Impact		
Fund Source:		
Timeline:		
Agenda Placement: <input type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input checked="" type="checkbox"/> City Administrator		
Attachments: Ordinances, Levy certifications, Preliminary KC worksheet.		
<p>SUMMARY STATEMENT: Per RCW 84.52.020 the property tax certifications must be filed with King County no later than December 6, 2013 for Property Taxes to be collected in 2014 to be used for Public Safety including Fire, Police and Emergency Services. Adoption of two ordinances is required, one to set a maximum levy dollar amount and a second one to approve the 1% increase over last years levy which is allowed for cities under 10,000 population.</p> <p>King County has sent a preliminary Levy Limit worksheet showing last year’s levy of \$1,407,904 and the allowed 1% increase of \$14,079.for total base levy of \$1,421,983, which does not include New Construction, State Assessed property and any adjustments. A preliminary estimate has also been included for the New Construction, Annexations, State Assessments and adjustments but these amounts usually change in the final worksheet which is not expected until about December 5, 2013 after we adopt our levy. Since we will not know the final amount until after the adoption, I have included an estimate of \$30,000 to cover the possible additional tax items for a total possible levy of \$1,451,983. Our levy will be adjusted down by King County to the actual final amounts, but cannot be increased.</p> <p>King County estimates our total city Assessed Valuation at \$544,328,571 an increase of \$44,774,957 or a 9% increase. Each property tax bill is calculated by the county and they set the actual levy rate once they have finalized all assessments and individual valuations.</p> <p>All of Black Diamonds Property Taxes funds are used for Public Safety and provide approximately 64% of the revenue needed to cover Public Safety costs.</p>		
COMMITTEE REVIEW AND RECOMMENDATION: Reviewed at the Finance Committee meeting on October 31, 2013. The Committee recommended moving this forward to Council to their November 21, 2013 meeting and also recommend Council approval.		
RECOMMENDED ACTION: PUBLIC HEARING ONLY – NO ACTION		
RECORD OF COUNCIL ACTION		
Meeting Date	Action	Vote
November 7, 2013		

ORDINANCE NO. 13-XXX

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, LEVYING THE GENERAL PROPERTY TAXES FOR THE CITY FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2014 ON ALL PROPERTY BOTH REAL AND PERSONAL, IN SAID CITY, WHICH IS SUBJECT TO TAXATION FOR THE PURPOSE OF PROVIDING REVENUE FOR PUBLIC SAFETY FOR THE CITY OF BLACK DIAMOND FOR THE ENSUING YEAR AS REQUIRED BY LAW, PROVIDING FOR SEVERABILITY AND ESTABLISHING THE EFFECTIVE DATE.

WHEREAS, the City Council of Black Diamond, Washington has met and considered the Public Safety budgets for the year of 2014; and

WHEREAS, the Cities under 10,000 population may increase the regular property tax levy from the previous year by up to one percent, and

WHEREAS, A Public Hearing was held on November 7, 2013 regarding the 2014 Budget and the property tax levy, and

WHEREAS, the City Council has properly given notice of the Public Hearings held on November 7, 2013 and November 21, 2013 to consider the City's 2014 Preliminary Budget including the Revenue Sources, pursuant to RCW 84.55.120; and

WHEREAS, King County requires that the 2014 Property Tax Levies be submitted by November 30, 2013;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Levy Amount A regular property tax is hereby levied in the amount \$1,451,983 which includes the allowed one percent increase over last year's levy of \$1,407,904. This one percent increases property taxes by \$14,079. This total levy dollar amount is exclusive of the additional revenue resulting from new construction, improvements to property, newly constructed wind turbines, and any increase in the value of state assessed property or any annexations that have occurred and any refunds or adjustment made by the county. The additional property taxes are estimated to add \$30,000 to the levy for new construction or any increase in the annexation, value of state-assessed property or adjustments. The final dollar amount of Property Taxes is determined by King County.

Section 2. Severability Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or

otherwise invalid for any reason, or should any portion of this ordinance be preempted by State or Federal law or regulations, such decisions or preemptions shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

Introduced the 7th day of November, 2013

Mayor Rebecca Olness

Attest:

Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

Chris Bacha, City Attorney

Published: _____

Posted: _____

Effective Date: _____



Ordinance / Resolution No. 13-XXXXA
RCW 84.55.120

WHEREAS, the Council of City of Black Diamond, Washington has met and considered its budget for the calendar year 2014; and,

WHEREAS, the districts actual levy amount from the previous year was \$ 1,407,904.00; and,

WHEREAS, the population of this district is less than 10,000; and now, therefore,

BE IT RESOLVED by the governing body of the taxing district that an increase in the regular property tax levy is hereby authorized for the levy to be collected in the 2014 tax year.

The dollar amount of the increase over the actual levy amount from the previous year shall be \$ 14,079.00 which is a percentage increase of 1% from the previous year.

additional revenue resulting from new construction, improvements to property, newly constructed wind turbines, any increase in the value of state assessed property, any annexations that have occurred and refunds made.

Adopted this 21 day of November, 2013.

Three sets of horizontal lines for signatures.

If additional signatures are necessary, please attach additional page.

This form or its equivalent must be submitted to your county assessor prior to their calculation of the property tax levies. A certified budget/levy request, separate from this form is to be filed with the County Legislative Authority no later than November 30th. As required by RCW 84.52.020, that filing certifies the total amount to be levied by the regular property tax levy. The Department of Revenue provides the "Levy Certification" form (REV 64 0100) for this purpose. The form can be found at: http://dor.wa.gov/docs/forms/PropTx/Forms/LevyCertf.doc.

For tax assistance or to request this document in an alternate format, visit http://dor.wa.gov/content/taxes/property/default.aspx or call (360) 534-1400. Teletype (TTY) users may call (360) 705-6718.

PRELIMINARY

LEVY LIMIT WORKSHEET – 2014 Tax Roll

TAXING DISTRICT: **City of Black Diamond**

The following determination of your regular levy limit for 2014 property taxes is provided by the King County Assessor pursuant to RCW 84.55.100.

Annexed to Library District (Note 1) Estimated Library rate: 0.50000

Using Limit Factor For District	Calculation of Limit Factor Levy	Using Implicit Price Deflator
1,407,904	Levy basis for calculation: (2013 Limit Factor) (Note 2)	1,407,904
1.0100	x Limit Factor	1.0295
1,421,983	= Levy	1,449,437
1,295,087	Local new construction	1,295,087
0	+ Increase in utility value (Note 3)	0
1,295,087	= Total new construction	1,295,087
2.82548	x Last year's regular levy rate	2.82548
3,659	= New construction levy	3,659
1,425,642	Total Limit Factor Levy	1,453,096
Annexation Levy		
0	Omitted assessment levy (Note 4)	0
1,425,642	Total Limit Factor Levy + new lid lifts	1,453,096
544,328,571	+ Regular levy assessed value less annexations	544,328,571
2.61908	= Annexation rate (cannot exceed statutory maximum rate)	2.66952
0	x Annexation assessed value	0
0	= Annexation Levy	0
Lid lifts, Refunds and Total		
0	+ First year lid lifts	0
1,425,642	+ Limit Factor Levy	1,453,096
1,425,642	= Total RCW 84.55 levy	1,453,096
0	+ Relevy for prior year refunds (Note 5)	0
1,425,642	= Total RCW 84.55 levy + refunds	1,453,096
	Levy Correction: Year of Error _____ (+or-)	
1,425,642	ALLOWABLE LEVY (Note 6)	1,453,096
Increase Information (Note 7)		
2.61908	Levy rate based on allowable levy	2.66952
1,411,938	Last year's ACTUAL regular levy	1,411,938
10,045	Dollar increase over last year other than N/C – Annex	37,499
0.71%	Percent increase over last year other than N/C – Annex	2.66%
Calculation of statutory levy		
	Regular levy assessed value (Note 8)	544,328,571
	x Maximum statutory rate	3.10000
	= Maximum statutory levy	1,687,419
	+Omitted assessments levy	0
	=Maximum statutory levy	1,687,419
	Limit factor needed for statutory levy	Not usable

ALL YEARS SHOWN ON THIS FORM ARE THE YEARS IN WHICH THE TAX IS PAYABLE.
Please read carefully the notes on the reverse side.

CITY COUNCIL AGENDA BILL

City of Black Diamond
Post Office Box 599
Black Diamond, WA 98010

ITEM INFORMATION		
SUBJECT: Resolution No. 13-896, authorizing the Mayor to execute the yearly addendum with Valley Communications for dispatch services.	Agenda Date: November 7, 2013	
	AB13-082	
	Department/Committee/Individual	
	Mayor Rebecca Olness	
	City Administrator – Mark Hoppen	
	City Attorney –Chris Bacha	
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	
	Natural Resources/Parks – Aaron Nix	
	PW/Ec. Dev. – Andy Williamson	
Cost Impact:	Police – Jamey Kiblinger	X
Fund Source:	Court – Stephanie Metcalf	
Timeline:	Comm. Dev. – Stacey Welsh	
Agenda Placement: <input type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input checked="" type="checkbox"/> City Administrator		
Attachments: Resolution No. 13-896; Exhibit A (Addendum)		
SUMMARY STATEMENT: This is our yearly addendum to our contract with Valley Communications for dispatch services. There is an increase from \$36.58 per call to \$37.48		
COMMITTEE REVIEW AND RECOMMENDATION:		
RECOMMENDED ACTION: MOTION to adopt Resolution No. 13-896, authorizing the Mayor to execute the addendum to the agreement for police dispatch service with valley Communications for 2014		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
November 7, 2013		

RESOLUTION NO. 13-896

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BLACK DIAMOND, KING COUNTY, WASHINGTON,
AUTHORIZING THE MAYOR TO EXECUTE AN
ADDENDUM TO THE AGREEMENT FOR POLICE SERVICE
FOR VALLEY COMMUNICATIONS FOR 2014**

WHEREAS, the City is authorized by Chapter 39.34 RCW to enter into agreements with other governmental jurisdictions; and

WHEREAS, currently the City of Black Diamond Police Department contracts with Valley Communications for Dispatch Services;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The Mayor is hereby authorized to execute an Addendum to the Emergency Dispatch Agreement for Police Service with Valley Communications for 2013 in the form as attached hereto as Exhibit A.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 7TH DAY OF NOVEMBER, 2013.

CITY OF BLACK DIAMOND:

Rebecca Olness, Mayor

Attest:

Brenda L. Martinez, City Clerk



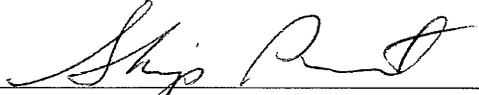
EXHIBIT "A"
to the
AGREEMENT
by and between
VALLEY COMMUNICATIONS CENTER
and
BLACK DIAMOND POLICE DEPARTMENT

This **EXHIBIT** is supplemental to the **AGREEMENT** between **VALLEY COMMUNICATIONS CENTER** and **BLACK DIAMOND POLICE DEPARTMENT**

This appendix shall remain in effect from **January 1, 2014** thru **December 31, 2014**.

- A.1 The rate shall be **Thirty Seven Dollars and Forty Eight Cents (\$37.48)** for each dispatchable call.
- A.2 ACCESS user fees will be charged on a quarterly basis determined by user agency transaction count. Transactions for any given calendar year are used to determine fees for two years past the year when the transaction count was taken.

Signed this **14th** day of **October, 2013**.



MAYOR SKIP PRIEST
ADMINISTRATIVE BOARD CHAIR

MAYOR



CITY COUNCIL AGENDA BILL

City of Black Diamond
Post Office Box 599
Black Diamond, WA 98010

ITEM INFORMATION		
SUBJECT: Ordinance No. 13-1014, relating to the time period for hearing on impoundment of vehicles; amending Chapter 10.16.050 of the Black Diamond Municipal Code	Agenda Date: November 7, 2013	
	AB13-083	
	Department/Committee/Individual	
	Mayor Rebecca Olness	
	City Administrator –Mark Hoppen	
	City Attorney –Chris Bacha	
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	
	Natural Resources/Parks – Aaron Nix	
	Economic Devel. – Andy Williamson	
Cost Impact: 0	Police – Jamey Kiblinger	X
Fund Source:	Court – Stephanie Metcalf	
Timeline:	Comm. Dev. – Steve Pilcher	
Agenda Placement: <input type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input checked="" type="checkbox"/> City Administrator		
Attachments: Proposed Ordinance No. 13-1014; Current Code Language		
SUMMARY STATEMENT: This is an amendment to ordinance 10.16.050 (Redemption of Impounded Vehicles), specifically section (D)(2) changing the time period for the hearing from 5 to 10 days, but no later than the next available court date. This allows the hearing to occur during our regularly held court days.		
COMMITTEE REVIEW AND RECOMMENDATION:		
RECOMMENDED ACTION: MOTION to adopt Ordinance No. 13-1014, relating to the time period for hearings on impoundment of vehicles; amending Chapter 10.16.050 of the Black Diamond Municipal Code; providing for severability; and establishing an effective date.		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
November 7, 2013		

CITY OF BLACK DIAMOND
WASHINGTON
ORDINANCE NO. 13-1014

**AN ORDINANCE OF THE CITY OF BLACK DIAMOND,
WASHINGTON, RELATING TO THE TIME PERIOD FOR
HEARINGS ON IMPOUNDMENT OF VEHICLES;
AMENDING CHAPTER 10.16.050 OF THE BLACK
DIAMOND MUNICIPAL CODE; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE
DATE**

WHEREAS, BDMC 10.16.050 entitles a person seeking to redeem an impounded vehicle to obtain a hearing within five (5) days of written request, so long as the written request was sent within ten (10) days of receiving notice of impoundment; and

WHEREAS, the City Council finds such five (5) day time period is burdensome and impractical for the local courts hearing all impoundment cases; and

WHEREAS, the City Council desires to alleviate such burden on the local courts by extending the time period for a hearing on vehicle impoundment while also upholding due process concerns;

NOW, THEREFORE, the City Council of the City of Black Diamond, Washington, do ordain as follows:

Section 1. Amendment of BDMC 10.16.050 (Redemption of Impounded Vehicles).
Section 10.16.050 of the Black Diamond Municipal Code is hereby amended to read as follows:

10.16.050 – Redemption of Impounded Vehicles.

Vehicles impounded by the city shall be redeemed only under the following circumstances:

A. Only the registered owner, a person authorized by the registered owner, or one who has purchased the vehicle from the registered owner, who produces

proof of ownership or authorization and signs a receipt therefor, may redeem an impounded vehicle. A person redeeming a vehicle impounded pursuant to Section 10.16.040 must prior to redemption establish that he or she has a valid driver's license and is in compliance with RCW 46.30.020. A vehicle impounded pursuant to subsections C to G of Section 10.16.040 can be released only pursuant to a written order from the court.

B. Any person so redeeming a vehicle impounded by the city shall pay the towing contractor for costs of impoundment removal, towing and storage prior to redeeming such vehicle, except as provided for by subsection C of this section. Such towing contractor shall accept payment as provided in RCW 46.55.120(1)(b) as now or hereafter amended. If the vehicle was impounded pursuant to Section 10.16.040 and was being operated by the registered owner when it was impounded, it may not be released to any person until all penalties, fines or forfeitures owed by the registered owner have been satisfied.

C. The Black Diamond Municipal Court is authorized to release a vehicle impounded pursuant to Section 10.16.040C to G prior to the expiration of any period of impoundment upon petition of the spouse of the driver based on economic or personal hardship to such spouse resulting from the unavailability of the vehicle and after consideration of the threat to public safety that may result from release of the vehicle including, but not limited to, the driver's criminal history, driving record, license status, and access to the vehicle. If such release is authorized, the person redeeming the vehicle still must satisfy the requirements of subsections A and B of this section.

D. Any person seeking to redeem a vehicle impounded as a result of a parking or traffic citation has a right to a municipal court hearing to contest the validity of an impoundment or the amount of removal, towing, and storage charges if such request for hearing is in writing, in a form approved by the Black Diamond municipal court and signed by such person, and is received by the Black Diamond municipal court within ten days (including Saturdays, Sundays and holidays) of the date the notice was given to such person by the registered tow truck operator pursuant to RCW 46.55.120(2)(a). Such hearing shall be provided as follows:

1. If all of the requirements to redeem the vehicle, including expiration of any period of impoundment under Section 10.16.040, have been satisfied, then the impounded vehicle shall be released immediately and a hearing as provided for in Section 10.16.060 shall be held within ninety days of the written request for hearing.

2. If not all of the requirements to redeem the vehicle, including expiration of any period of impoundment under Section 10.16.040, have been satisfied, then the impounded vehicle shall not be released until after the hearing

provided pursuant to Section 10.16.060, which shall be held within ten days (excluding Saturdays, Sundays and holidays), but no later than the next available court date, from the written request to the court for hearing.

3. Any person seeking a hearing who has failed to request such hearing within the time specified in subsection D of this section may petition the Black Diamond municipal court for an extension of time to file a request for hearing. Such extension shall only be granted upon the demonstration of good cause as to the reason(s) the request for hearing was not timely filed. For the purposes of this section, good cause shall be defined as circumstances beyond the control of the person seeking the hearing that prevented such person from filing a timely request for hearing. In the event such extension is granted, the person receiving such extension shall be granted a hearing in accordance with this chapter.

4. If a person fails to file a timely request for hearing and no extension to file such a request has been granted, the right to a hearing is waived, the impoundment and the associated costs of impoundment are deemed to be proper, and the city shall not be liable for removal, towing, and storage charges arising from the impoundment.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 7TH DAY OF NOVEMBER, 2013.

CITY OF BLACK DIAMOND

Rebecca Olness, Mayor

ATTEST/AUTHENTICATED:

Brenda L. Martinez, City Clerk

Approved as to form:

Chris D. Bacha,
Kenyon Disend PLLC
City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.
Date of Publication:
Effective Date:

CURRENT CODE LANGUAGE

10.16.050 Redemption of impounded vehicles.

Vehicles impounded by the city shall be redeemed only under the following circumstances:

A.

Only the registered owner, a person authorized by the registered owner, or one who has purchased the vehicle from the registered owner, who produces proof of ownership or authorization and signs a receipt therefor, may redeem an impounded vehicle. A person redeeming a vehicle impounded pursuant to Section 10.16.040 must prior to redemption establish that he or she has a valid driver's license and is in compliance with RCW 46.30.020. A vehicle impounded pursuant to subsections C to G of Section 10.16.040 can be released only pursuant to a written order from the court.

B.

Any person so redeeming a vehicle impounded by the city shall pay the towing contractor for costs of impoundment removal, towing and storage prior to redeeming such vehicle, except as provided for by subsection C of this section. Such towing contractor shall accept payment as provided in RCW 46.55.120(1)(b) as now or hereafter amended. If the vehicle was impounded pursuant to Section 10.16.040 and was being operated by the registered owner when it was impounded, it may not be released to any person until all penalties, fines or forfeitures owed by the registered owner have been satisfied.

C.

The Black Diamond Municipal Court is authorized to release a vehicle impounded pursuant to Section 10.16.040C to G prior to the expiration of any period of impoundment upon petition of the spouse of the driver based on economic or personal hardship to such spouse resulting from the unavailability of the vehicle and after consideration of the threat to public safety that may result from release of the vehicle including, but not limited to, the driver's criminal history, driving record, license status, and access to the vehicle. If such release is authorized, the person redeeming the vehicle still must satisfy the requirements of subsections A and B of this section.

D.

Any person seeking to redeem a vehicle impounded as a result of a parking or traffic citation has a right to a municipal court hearing to contest the validity of an impoundment or the amount of removal, towing, and storage charges if such request for hearing is in writing, in a form approved by the Black

Diamond municipal court and signed by such person, and is received by the Black Diamond municipal court within ten days (including Saturdays, Sundays and holidays) of the date the notice was given to such person by the registered tow truck operator pursuant to RCW 46.55.120(2)(a). Such hearing shall be provided as follows:

1.

If all of the requirements to redeem the vehicle, including expiration of any period of impoundment under Section 10.16.040, have been satisfied, then the impounded vehicle shall be released immediately and a hearing as provided for in Section 10.16.060 shall be held within ninety days of the written request for hearing.

2.

If not all of the requirements to redeem the vehicle, including expiration of any period of impoundment under Section 10.16.040, have been satisfied, then the impounded vehicle shall not be released until after the hearing provided pursuant to Section 10.16.060, which shall be held within five business days (excluding Saturdays, Sundays and holidays) of the written request to the court for hearing.

3.

Any person seeking a hearing who has failed to request such hearing within the time specified in subsection D of this section may petition the Black Diamond municipal court for an extension of time to file a request for hearing. Such extension shall only be granted upon the demonstration of good cause as to the reason(s) the request for hearing was not timely filed. For the purposes of this section, good cause shall be defined as circumstances beyond the control of the person seeking the hearing that prevented such person from filing a timely request for hearing. In the event such extension is granted, the person receiving such extension shall be granted a hearing in accordance with this chapter.

4.

If a person fails to file a timely request for hearing and no extension to file such a request has been granted, the right to a hearing is waived, the impoundment and the associated costs of impoundment are deemed to be proper, and the city shall not be liable for removal, towing, and storage charges arising from the impoundment.

CITY COUNCIL AGENDA BILL

City of Black Diamond
Post Office Box 599
Black Diamond, WA 98010

ITEM INFORMATION		
SUBJECT: Resolution No. 13-897, authorizing the purchase of street signs from Traffic Safety Supply Company.	Agenda Date: November 7, 2013	
	AB13-084	
	Department/Committee/Individual	
	Mayor Rebecca Olness	
	City Administrator – Mark Hoppen	
	City Attorney –Chris Bacha	
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	
	Natural Resources/Parks – Aaron Nix	
	Ec. Devel./PW – Andy Williamson	X
Police – Jamey Kiblinger		
Cost Impact: \$8,034.99	Court – Stephanie Metcalf	
Fund Source: FHWA/WSDOT Local Programs Grant	Comm. Dev. – Stacey Welsh	
Timeline: November-December 2013		
Agenda Placement: <input type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input checked="" type="checkbox"/> City Administrator		
Attachments: Resolution No. 13-897, Quote tabulation, Quote from Traffic Safety Supply Co.		
SUMMARY STATEMENT: The Public Works Department received a 2013 Quick Response Safety Program Federal Funding grant from WSDOT Highways & Local Programs for the purchase and installation of street signs. City forces will be installing the signs. City labor will be reimbursed by the grant. For purchasing, Public Works staff solicited quotes from five vendors. Traffic Safety Supply Company from Portland, Oregon provided the best quote. Signs purchased will be replacing signs that fall below minimum requirements for retroreflectivity. There are a few new signs being purchased which will create better signage in certain parts of the City.		
COMMITTEE REVIEW AND RECOMMENDATION:		
RECOMMENDED ACTION: MOTION to adopt Resolution No. 13-897, authorizing the purchase of street signs from Traffic Safety Company in Portland, Oregon in the amount of \$8,034.99 plus a contingency of \$800.00.		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
November 7, 2013		

RESOLUTION NO. 13-897

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BLACK DIAMOND, KING COUNTY, WASHINGTON
AUTHORIZING THE PURCHASE OF STREET SIGNS
FROM TRAFFIC SAFETY SUPPLY COMPANY IN
PORTLAND, OREGON**

WHEREAS, the City executed a Local Agency Agreement with the Washington State Department of Transportation (WSDOT) for a federal grant for the replacement of street signs through Resolution 13-882; and

WHEREAS, City staff solicited quotes from five vendors for the purchase of street signs; and

WHEREAS, Traffic Safety Supply Company provided the lowest quote;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND,
WASHINGTON, DOES RESOLVE AS FOLLOWS:**

Section 1. The Public Works Department is hereby authorized to purchase street signs from Traffic Safety Supply Company in the amount of \$8,034.99 plus a contingency of \$800.00.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND,
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 7TH DAY OF
NOVEMBER, 2013.**

CITY OF BLACK DIAMOND:

Rebecca Olness, Mayor

Attest:

Brenda L. Martinez, City Clerk

REQUEST FOR QUOTES
FOR
STREET SIGNS
IN BLACK DIAMOND

The City of Black Diamond is requesting quotes for various street signs. The City is requesting unit price bids for each category of sign as defined in the attached bid proposal form / Scope of Work.

Quotes must be turned in to the Public Works counter (24301 Roberts Drive, Black Diamond, WA 98010), or e-mailed to Scott Hanis (shanis@ci.blackdiamond.wa.us) by 2:30 pm Pacific time on Monday, October 21, 2013.

GENERAL PROVISION – BUY AMERICA

If any signs contain steel or iron, they may be subject to Buy America rules (although Buy America rules do not apply to steel and iron fasteners/hardware used for installing signs).

If you would like more information on Buy America, please contact the City as soon as possible at shanis@ci.blackdiamond.wa.us.

**REQUEST FOR QUOTES
THE CITY OF BLACK DIAMOND
STREET SIGNS**

Please submit the unit price for each line item. Quotes shall be valid for a minimum of thirty (30) days and quote must be signed by an authorized person. If submitting your own form, you must include a statement acknowledging that you will meet the "Buy America" general provision, if applicable.

ITEM NO.	ITEM	SHEETING TYPE	UNIT PRICE	QTY.	TOTAL
1	Type 3 Warning Sign/Object Markers, 12" x 36" (3" stripes), OM3-L	Type 4-High Intensity Prismatic	12.45 \$ EA	5	\$ 62.25
2	Type 3 Warning Sign/Object Markers, 12" x 36" (3" stripes), OM3-R	Type 4-High Intensity Prismatic	12.45 \$ EA	6	\$ 74.70
3	School Crossing, 30" x 30", S1-1	Type 11-Diamond Grade cubed FYG	55.70 \$ EA	5	\$ 278.50
4	Stop at Crosswalk, 12" x 36", R1-6A	Type 4-High Intensity Prismatic	32.30 \$ EA	2	\$ 64.60
5	Dead End Plaque, 24" x 6", W14-1aR (single-sided)	Type 4-High Intensity Prismatic	4.65 \$ EA	2	\$ 9.30
6	Dead End, 30" x 30", W14-1	Type 4-High Intensity Prismatic	29.10 \$ EA	9	\$ 261.90
7	Fire Station, 30" x 30", W11-8	Type 4-High Intensity Prismatic	29.10 \$ EA	1	\$ 29.10
8	Crossroad, 30" x 30", W2-2L	Type 4-High Intensity Prismatic	29.10 \$ EA	1	\$ 29.10
9	Crossroad, 30" x 30", W2-2R	Type 4-High Intensity Prismatic	29.10 \$ EA	1	\$ 29.10
10	Crossroad, 30" x 30", W2-3R	Type 4-High Intensity Prismatic	29.10 \$ EA	1	\$ 29.10
11	Arrow Sign, 48" x 24", W1-6	Type 4-High Intensity Prismatic	48.10 \$ EA	3	\$ 144.30
12	Left Curve, 30" x 30", W1-2L	Type 4-High Intensity Prismatic	29.10 \$ EA	3	\$ 87.30
13	Right Curve, 30" x 30", W1-2R	Type 4-High Intensity Prismatic	29.10 \$ EA	2	\$ 58.20
14	Narrow Bridge, 36" x 36", W5-2	Type 4-High Intensity Prismatic	41.85 \$ EA	1	\$ 41.85

ITEM NO.	ITEM	SHEETING TYPE	UNIT PRICE	QTY.	TOTAL
15	No Outlet Plaque, 24" x 6", W14-2A (double-sided)	Type 4-High Intensity Prismatic	14.50 \$ EA	5	70.50 \$
16	Right Chevron, 18" x 24", W1-8R	Type 4-High Intensity Prismatic	12.45 \$ EA	2	24.90 \$
17	School Bus Stop Ahead, 36" x 36", S3-1 (symbol)	Type 11-Diamond Grade cubed FYG	82.45 \$ EA	2	164.90 \$
18	Speed Limit, 15 MPH, 24" x 30", R2-1	Type 4-High Intensity Prismatic	23.25 \$ EA	1	23.25 \$
19	Speed Limit, 25 MPH, 24" x 30", R2-1	Type 4-High Intensity Prismatic	23.25 \$ EA	10	232.50 \$
20	Speed Limit, 35 MPH, 24" x 30", R2-1	Type 4-High Intensity Prismatic	23.25 \$ EA	1	23.25 \$
21	Speed, 30 MPH, 18" x 18", W13-1P	Type 4-High Intensity Prismatic	9.35 \$ EA	2	18.70 \$
22	Stop Sign, 30" x 30", R1-1	Type 4-High Intensity Prismatic	29.10 \$ EA	40	1,164.00 \$
23	Stop Sign Ahead, 30" x 30", W3-1 (symbol)	Type 4-High Intensity Prismatic	32.20 \$ EA	5	161.00 \$
24	*Yellow Street Name Plaques, 6" x varies, 4" letters (single-sided)	Type 4-High Intensity Prismatic	See Page 15 \$ EA	3	50.00 \$
25	#Green Street Name Plaques, 6" x varies, 4" letters (Extruded, center mount, double-sided)	Type 4-High Intensity Prismatic	See Page 16 \$ EA	144	2,354.56 \$
26	+Green Street Name Plaques, 6" x varies, 4" letters (Extruded with room on the end for flag mount and holes on 1" center on flag mount end, including rivets/screws/bolts for attachment to wood posts (double-sided)	Type 4-High Intensity Prismatic	See Page 16 \$ EA	31	504.00 \$
27	Green "PRIVATE ROAD" Plaques, 6" with 4" letters (double-sided)	Type 4-High Intensity Prismatic	14.50 \$ EA	10	145.00 \$
28	Entering City of Black Diamond, 24" x 36" (see example 1 below)	Type 4-High Intensity Prismatic	27.90 \$ EA	6	167.40 \$
29	End School Zone, 24" x 30", S5-2	Type 4-High Intensity Prismatic	23.25 \$ EA	2	46.50 \$
30	When Children are Present, 24" x 10", S4-2P	Type 4-High Intensity Prismatic	7.75 \$ EA	1	7.75 \$

40901402

Vendor's UBI No.

Address:

2224 SE Umatilla St
Portland, OR
97202

By Tammy Johnson
Authorized Signature

***YELLOW STREET NAME PLAQUES (item #24)**

- 232 AVE SE (1 needed) 30" \$12.50 ea
- SE COVINGTON SAWYER RD (1 needed) 40" \$55.00 ea
- SE 288 ST (1 needed) 30" \$12.50 ea

#GREEN STREET NAME PLAQUES (extruded center mount, item #25)

- 1ST AVE (4 needed) 24" \$14.50 ea
- 216 AVE SE (1 needed) 30" \$16.00 ea
- 224 AVE SE (6 needed) \$16.00 ea
- 225 AVE SE (2 needed) \$16.00 ea
- 225 PL SE (1 needed) \$16.00 ea
- 228 AVE SE (1 needed) \$16.00 ea
- 229 AVE SE (2 needed) \$16.00 ea
- 229 AVE SE (w/arrow, see example 2 below - 1 needed) 30" \$18.00 ea
- 229 PL SE (1 needed) 30" \$16.00 ea
- 230 AVE SE (1 needed) \$16.00 ea
- 230 PL SE (1 needed) \$16.00 ea
- 232 AVE SE (2 needed) \$16.00 ea
- 234 AVE SE (w/arrow, see example 2 below - 1 needed) 30" \$18.00 ea
- 236 AVE SE (1 needed) 30" \$16.00 ea
- 2nd AVE (2 needed) 24" \$14.50 ea
- ABRAMS AVE (1 needed) 30" \$16.00 ea
- ALPINE DR (1 needed) 24" \$14.50 ea
- BAKER ST (6 needed) \$14.50 ea
- BLACK DIAMOND-RAVENS DALE RD (1 needed) - 2 lines if needed \$19.50 ea
- BIRCH LN (1 needed) 24" \$14.50 ea
- BLAINE AVE (2 needed) 30" \$16.00 ea
- BOTTS DR (1 needed) 24" \$14.50 ea
- BRUCKNERS CT (1 needed) 30" \$18.00
- BRUCKNERS WAY (3 needed) \$18.00 ea
- BUENA VISTA DR (1 needed) \$18.00 ea
- COMMISSION AVE (1 needed) \$18.00 ea
- DAIL DR (1 needed) 24" \$14.50 ea
- FAIRFAX ST (2 needed) 30" \$16.00 ea
- FIFTH AVE (4 needed) \$16.00 ea
- FIRST AVE (2 needed) \$16.00 ea

- | | | |
|---|---------------------------------------|----------------|
| 30" -FOURTH AVE (1 needed) \$16.00 ea | -ROBERTS DR (7 needed) 36" \$18.00 ea | 30" \$16.00 ea |
| ↓ -FRANKLIN DR (2 needed) \$16.00 ea | -SE 288 ST (4 needed) | \$16.00 ea |
| -HAMMOND PL (1 needed) \$16.00 ea | -SE 290 CT (1 needed) | \$16.00 ea |
| ↓ -HIGHLAND DR (1 needed) \$16.00 ea | -SE 290 ST (3 needed) | \$16.00 ea |
| 24" -HYDE AVE (1 needed) \$14.50 ea | -SE 291 ST (2 needed) | \$16.00 ea |
| ↓ -JAMES ST (1 needed) \$14.50 ea | -SE 292 PL (2 needed) | \$16.00 ea |
| 36" -JONES LAKE RD (1 needed) \$18.00 ea | -SE 292 ST (1 needed) | \$16.00 ea |
| ↓ -KANASKAT DR (4 needed) \$18.00 ea | -SE 293 PL (1 needed) | \$16.00 ea |
| 30" -KUMMER AVE (2 needed) \$16.00 ea | -SE 297 ST (1 needed) | \$16.00 ea |
| ↓ -LAWSON ST (4 needed) \$16.00 ea | -SE 298 ST (2 needed) | \$16.00 ea |
| 42" -LK SAWYER RD SE (2 needed) \$18.00 ea | -SE 300 ST (2 needed) | \$16.00 ea |
| 24" -LYNCH LN (1 needed) \$14.50 ea | -SE 302 PL (1 needed) | \$16.00 ea |
| ↓ -MASON ST (1 needed) \$14.50 ea | -SE 302 ST (2 needed) | \$16.00 ea |
| -McKAY LN (1 needed) \$14.50 ea | -SE 303 PL (1 needed) | \$16.00 ea |
| -MERINO PL (1 needed) \$14.50 ea | -SE 304 PL (1 needed) | \$16.00 ea |
| -MERINO ST (1 needed) \$14.50 ea | -SE 304 ST (1 needed) | \$16.00 ea |
| ↓ -MINER AVE (1 needed) \$14.50 ea | -SE 312 ST (2 needed) | \$16.00 ea |
| 30" -MORGAN DR (1 needed) \$16.00 ea | -SECOND AVE (2 needed) 34" \$18.00 ea | ↓ \$18.00 ea |
| ↓ -MORGAN ST (3 needed) \$16.00 ea | -SELLECK PL (1 needed) | 30" \$16.00 ea |
| 36" -NEWCASTLE DR (1 needed) \$18.00 ea | -SIXTH AVE (1 needed) | \$16.00 ea |
| -PACIFIC AVE/PACIFIC PLACE (1
needed w/arrow for Pacific Place) -
2 lines, see example 3 \$14.50 ea | -STEIERT ST (1 needed) | \$16.00 ea |
| 30" -PACIFIC ST (2 needed) \$16.00 ea | -SUMMIT DR (2 needed) | \$16.00 ea |
| 24" -PARK ST (2 needed) \$14.50 ea | -SUNNY LN (2 needed) | \$16.00 ea |
| 24" -PEACH LN (1 needed) \$14.50 ea | -TERRACE PL (1 needed) 36" \$18.00 ea | 30" \$16.00 ea |
| 36" -RAILROAD AVE (2 needed) \$18.00 ea | -THIRD AVE (3 needed) | ↓ \$16.00 ea |
| | -UNION DR (3 needed) | |

#GREEN STREET NAME PLAQUES (extruded, flag mount, item #26)

30"

- | | |
|-----------------------------------|----------------------------------|
| -216 AVE SE (1 needed) \$16.00 ea | -218 PL SE (1 needed) \$16.00 ea |
| -218 AVE SE (1 needed) \$16.00 ea | -220 PL SE (2 needed) \$16.00 ea |

- 222 PL SE (2 needed) 30" \$16.00ea -234 AVE SE (1 needed) \$16.00ea
- 224 AVE SE (1 needed) \$16.00ea -CUMBERLAND DR (1 needed) 45" \$19.00
- 226 AVE SE (1 needed) \$16.00ea -CUMBERLAND WAY (1 needed) \$19.00
- 227 PL SE (w/arrow, see example 2 below - 1 needed) \$16.00ea RAILROAD AVE (1 needed) 36" \$18.00
- 228 AVE SE (2 needed) \$16.00ea -SE 289 ST (2 needed) 30" \$16.00ea
- 229 PL SE (w/arrow, see example 2 below - 1 needed) \$16.00ea -SE 290 ST (1 needed) \$16.00ea
- 232 AVE SE (1 needed) \$16.00ea -SE 295 PL (2 needed) \$16.00ea
- 232 PL SE (2 needed) \$16.00ea -SE 296 ST (3 needed) \$16.00ea
- SE 298 ST (1 needed) \$16.00ea
- SE 307 PL (2 needed) \$16.00ea

These signs and necessary hardware shall be fabricated in accordance with the 2009 Manual on Uniform Traffic Control Devices with Revision Numbers 1 and 2 incorporated, dated May 2012, as issued by the U.S. Department of Transportation Federal Highway Administration and in accordance with the 2012 Washington State Department of Transportation Standard Specifications for Road, Bridge, and Municipal Construction Sections 8-21, 9-06.16, and 9-28.

Sign thickness shall be per the 2012 Washington State Department of Transportation Standard Specifications for Road, Bridge, and Municipal Construction Section 9-28.8. (shown below)

9-28.8 Sheet Aluminum Signs

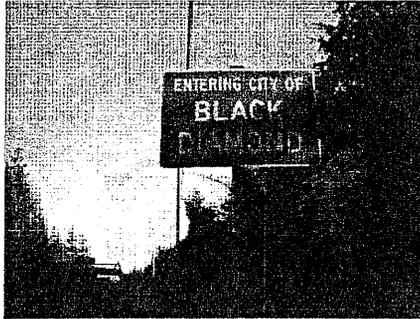
Sheet aluminum signs shall be constructed of material conforming to ASTM B 209 alloy 6061-T6 or alloy 5052-H36 or H38. Alloy 5005-H34 may be used for sign overlays.

After the sheeting has been fabricated, the surface of each panel shall be protected from corrosion. The corrosion protection shall meet the requirements of ASTM B 449 Class II Specification for Chromates on Aluminum. Aluminum signs over 12 feet wide by 5 feet high shall be comprised of vertical panels in increments of 2, 3, or 4 feet wide. No more than one 2-foot and/or 3-foot panel may be used per sign. The Contractor shall use the widest panels possible. All parts necessary for assembly shall be constructed of aluminum, galvanized steel, or stainless steel in accordance with the Plans. Sheet thickness shall be as follows:

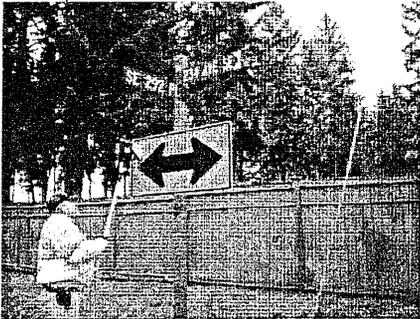
Maximum Horizontal Dimension	Sheet Aluminum Thickness
Overlay panels	0.050 inch
Up to 20 inches	0.063 inch
20 to 36 inches, inclusive	0.080 inch
Over 36 inches (Permanent Signs)	0.125 inch

The side dimension for a diamond shaped warning sign is considered to be the maximum horizontal dimension.

Example 1:



Example 2:



(Street name plaque with arrow – 234 AVE SE)

Example 3:



City of Black Diamond
 PO Box 599
 Black Diamond, WA 98010

Project: Black Diamond Street Signs Replacement
 Quotes Received: October 21, 2013

Bidder & Address		Traffic Safety Supply 2324 SE Umatilla St. Portland, OR 97202		Municipal Supply & Sign PO Box 1765 Naples, FL 34106		Zumar, Inc. PO Box 44549 Tacoma, WA 98448-0549	
Item	Item Description	Unit	Qty.	Unit Bid	Amount	Unit Bid	Amount
1	Type 3 Warning Sign/Object Markers, 12" x 36", OM3-L, Type 4	EA	5	\$12.45	\$62.25	\$19.00	\$95.00
2	Type 3 Warning Sign/Object Markers, 12" x 36", OM3-R, Type 4	EA	6	\$12.45	\$74.70	\$19.00	\$114.00
3	School Crossing, 30" x 30", S1-1, Type 11	EA	5	\$55.70	\$278.50	\$59.00	\$295.00
4	Stop at Crosswalk, 12" x 36", R1-6A, Type 4	EA	2	\$32.30	\$64.60	\$20.85	\$41.70
5	Dead End Plaque, 24" x 6", W14-1aR (single sided), Type 4	EA	2	\$4.65	\$9.30	\$6.95	\$13.90
6	Dead End, 30" x 30", W14-1, Type 4	EA	9	\$29.10	\$261.90	\$43.44	\$390.96
7	Fire Station, 30" x 30", W11-8, Type 4	EA	1	\$29.10	\$29.10	\$43.44	\$43.44
8	Crossroad, 30" x 30", W2-2L, Type 4	EA	1	\$29.10	\$29.10	\$43.44	\$43.44
9	Crossroad, 30" x 30", W2-2R, Type 4	EA	1	\$29.10	\$29.10	\$43.44	\$43.44
10	Crossroad, 30" x 30", W2-3R, Type 4	EA	1	\$29.10	\$29.10	\$43.44	\$43.44
11	Arrow Sign, 48" x 24", W1-6, Type 4	EA	3	\$48.10	\$144.30	\$55.60	\$166.80
12	Left Curve, 30" x 30", W1-2L, Type 4	EA	3	\$29.10	\$87.30	\$43.44	\$130.32
13	Right Curve, 30" x 30", W1-2R, Type 4	EA	2	\$29.10	\$58.20	\$43.44	\$86.88
14	Narrow Bridge, 36" x 36", W5-2, Type 4	EA	1	\$41.85	\$41.85	\$62.55	\$62.55
15	No Outlet Plaque, 24" x 6", W14-2A (double sided), Type 4	EA	5	\$14.50	\$72.50	\$6.95	\$34.75
16	Right Chevron, 18" x 24", W1-8R, Type 4	EA	2	\$12.45	\$24.90	\$20.85	\$41.70
17	School Bus Stop Ahead, 36" x 36", S3-1, Type 11	EA	2	\$82.45	\$164.90	\$85.05	\$170.10
18	Speed Limit 15 MPH, 24" x 30", R2-1, Type 4	EA	1	\$23.25	\$23.25	\$34.75	\$34.75
19	Speed Limit 25 MPH, 24" x 30", R2-1, Type 4	EA	10	\$23.25	\$232.50	\$34.75	\$347.50
20	Speed Limit 35 MPH, 24" x 30", R2-1, Type 4	EA	1	\$23.25	\$23.25	\$34.75	\$34.75
21	Speed 30 MPH, 18" x 18", W13-1P, Type 4	EA	2	\$9.35	\$18.70	\$15.64	\$31.28
22	Stop Sign, 30" x 30", R1-1, Type 4	EA	40	\$29.10	\$1,164.00	\$27.50	\$1,100.00
23	Stop Sign Ahead (symbol), 30" x 30", W3-1, Type 4	EA	5	\$32.20	\$161.00	\$43.44	\$217.20
24	Yellow Street Name Plaques, 6" x varies, single sided, Type 4	EA	3	\$16.67	\$50.00	\$22.00	\$66.00
25	Green Street Name Plaques, 6" x varies, double sided center, Type 4	EA	144	\$16.35	\$2,354.50	\$26.00	\$3,744.00
26	Green Street Name Plaques, 6" x varies, double sided flag Type 4	EA	31	\$16.26	\$504.00	\$26.00	\$806.00
27	Green Private Road Plaques, 6" x varies, double sided Type 4	EA	10	\$14.50	\$145.00	\$26.00	\$260.00

City of Black Diamond
 PO Box 599
 Black Diamond, WA 98010

Project: Black Diamond Street Signs Replacement
 Quotes Received: October 21, 2013

Item	Item Description	Unit	Qty.	Bidder & Address	Traffic Safety Supply 2324 SE Umatilla St. Portland, OR 97202	Municipal Supply & Sign PO Box 1765 Naples, FL 34106	Zumar, Inc. PO Box 44549 Tacoma, WA 98448-0549
					Unit Bid	Unit Bid	Unit Bid
					Amount	Amount	Amount
28	Entering City of Black Diamond, 24" x 36"	EA	6		\$27.90	\$41.70	\$35.00
29	End School Zone, 24" x 30", S5-2, Type 4	EA	2		\$23.25	\$34.75	\$29.00
30	When Children are Present, 24" x 10", S4-2P, Type 4	EA	1		\$7.75	\$11.58	\$9.75
31	Reduced Speed 25 MPH Warning, 36" x 36", W3-5, Type 4	EA	1		\$44.10	\$62.55	\$59.00
32	Road May Flood, 24" x 24", W8-18, Type 4	EA	2		\$18.60	\$27.80	\$23.00
33	Speed Limit 20 MPH, 24" x 30", R2-1, Type 4	EA	4		\$23.25	\$34.75	\$29.00
34	4"x4" Wood Post Cap/Bracket with 3.25" Receiver, extruded	EA	85		\$6.70	\$12.75	\$4.65
35	1-3/4" Metal Post Cap/Bracket with 3.25"-5.5" Receiver, extruded	EA	9		\$5.10	\$6.50	\$5.65
36	2-3/8" Round Metal Post Cap/Bracket with 3.25"-5.5" Receiver, extruded	EA	2		\$4.25	\$6.00	\$5.75
37	90 Degree Crosspiece with 3.25"-5.5" Receiver, extruded	EA	47		\$3.40	\$4.60	\$3.95
38	48/180 Degree Adjustable Crosspiece with 3.25"-5.5" Receiver, extruded	EA	1		\$5.65	\$4.95	\$4.40
39	3/8" x 3" Galvanized Steel Lag Bolts	EA	252		\$0.15	\$0.38	\$0.25
40	3/8" Galvanized Washers	EA	252		\$0.05	\$0.04	\$0.05
41	3/8" Nylon Washers	EA	252		\$0.10	\$0.10	\$0.05
	BASE QUOTE TOTAL				\$7,398.70	\$10,553.77	\$10,770.10
	8.6% WASHINGTON STATE SALES TAX				\$636.29	\$907.62	\$926.23
	SHIPPING				\$0.00	\$0.00	\$0.00
	TOTAL CONTRACT AMOUNT BID				\$8,034.99	\$11,461.39	\$11,696.33

City of Black Diamond
 PO Box 599
 Black Diamond, WA 98010

Project: Black Diamond Street Signs Replacement
 Quotes Received: October 21, 2013

Item	Item Description	Bidder & Address		Traffic Signs Corporation 75 South Owasso Blvd W St. Paul, MN 55117		Alpine Incomplete Auburn, WA	
		Unit	Qty.	Unit Bid	Amount	Unit Bid	Amount
1	Type 3 Warning Sign/Object Markers, 12" x 36", OM3-L, Type 4	EA	5	\$19.82	\$99.10	\$42.50	\$212.50
2	Type 3 Warning Sign/Object Markers, 12" x 36", OM3-R, Type 4	EA	6	\$19.81	\$118.88	\$42.50	\$255.00
3	School Crossing, 30" x 30", S1-1, Type 11	EA	5	\$38.92	\$194.60	\$92.50	\$462.50
4	Stop at Crosswalk, 12" x 36", R1-6A, Type 4	EA	2	\$19.82	\$39.63	\$42.50	\$85.00
5	Dead End Plaque, 24" x 6", W14-1aR (single sided), Type 4	EA	2	\$8.05	\$16.10	\$18.50	\$37.00
6	Dead End, 30" x 30", W14-1, Type 4	EA	9	\$38.92	\$350.28	\$64.50	\$580.50
7	Fire Station, 30" x 30", W11-8, Type 4	EA	1	\$38.92	\$38.92	\$64.50	\$64.50
8	Crossroad, 30" x 30", W2-2L, Type 4	EA	1	\$38.92	\$38.92	\$64.50	\$64.50
9	Crossroad, 30" x 30", W2-2R, Type 4	EA	1	\$38.92	\$38.92	\$64.50	\$64.50
10	Crossroad, 30" x 30", W2-3R, Type 4	EA	1	\$38.92	\$38.92	\$64.50	\$64.50
11	Arrow Sign, 48" x 24", W1-6, Type 4	EA	3	\$51.08	\$153.24	\$76.50	\$229.50
12	Left Curve, 30" x 30", W1-2L, Type 4	EA	3	\$38.92	\$116.76	\$64.50	\$193.50
13	Right Curve, 30" x 30", W1-2R, Type 4	EA	2	\$38.92	\$77.84	\$64.50	\$129.00
14	Narrow Bridge, 36" x 36", W5-2, Type 4	EA	1	\$56.96	\$56.96	\$94.50	\$94.50
15	No Outlet Plaque, 24" x 6", W14-2A (double sided), Type 4	EA	5	\$8.04	\$40.22	\$39.50	\$197.50
16	Right Chevron, 18" x 24", W1-8R, Type 4	EA	2	\$19.82	\$39.63	\$39.50	\$79.00
17	School Bus Stop Ahead, 36" x 36", S3-1, Type 11	EA	2	\$56.96	\$113.92	\$119.50	\$239.00
18	Speed Limit 15 MPH, 24" x 30", R2-1, Type 4	EA	1	\$31.57	\$31.57	\$52.50	\$52.50
19	Speed Limit 25 MPH, 24" x 30", R2-1, Type 4	EA	10	\$31.57	\$315.73	\$52.50	\$525.00
20	Speed Limit 35 MPH, 24" x 30", R2-1, Type 4	EA	1	\$31.57	\$31.57	\$52.50	\$52.50
21	Speed 30 MPH, 18" x 18", W13-1P, Type 4	EA	2	\$15.40	\$30.80	\$33.50	\$67.00
22	Stop Sign, 30" x 30", R1-1, Type 4	EA	40	\$35.03	\$1,401.10	\$34.50	\$1,380.00
23	Stop Sign Ahead (symbol), 30" x 30", W3-1, Type 4	EA	5	\$38.92	\$194.60	\$64.50	\$322.50
24	Yellow Street Name Plaques, 6" x varies, single sided, Type 4	EA	3	\$20.82	\$62.45	\$0.00	\$0.00
25	Green Street Name Plaques, 6" x varies, double sided center, Type 4	EA	144	\$21.49	\$3,094.89	\$0.00	\$0.00
26	Green Street Name Plaques, 6" x varies, double sided flag Type 4	EA	31	\$21.49	\$666.26	\$0.00	\$0.00
27	Green Private Road Plaques, 6" x varies, double sided Type 4	EA	10	\$21.49	\$214.92	\$0.00	\$0.00

City of Black Diamond
 PO Box 599
 Black Diamond, WA 98010

Project: Black Diamond Street Signs Replacement
 Quotes Received: October 21, 2013

BASE BID		Bidder & Address	Unit	Qty.	Unit Bid	Amount	Unit Bid	Amount	
28	Entering City of Black Diamond, 24" x 36"	Traffic Signs Corporation 75 South Owasso Blvd W St. Paul, MN 55117	EA	6	\$64.82	\$388.90	\$59.50	\$357.00	
29	End School Zone, 24" x 30", S5-2, Type 4		EA	2	\$31.58	\$63.15	\$54.50	\$109.00	
30	When Children are Present, 24" x 10", S4-2P, Type 4		EA	1	\$12.85	\$12.85	\$32.50	\$32.50	
31	Reduced Speed 25 MPH Warning, 36" x 36", W3-5, Type 4		EA	1	\$56.96	\$56.96	\$72.50	\$72.50	
32	Road May Flood, 24" x 24", W8-18, Type 4		EA	2	\$25.68	\$51.36	\$46.50	\$93.00	
33	Speed Limit 20 MPH, 24" x 30", R2-1, Type 4		EA	4	\$31.58	\$126.30	\$52.50	\$210.00	
34	4"x4" Wood Post Cap/Bracket with 3.25" Receiver, extruded		EA	85	\$0.00	\$0.00	\$0.00	\$0.00	
35	1-3/4" Metal Post Cap/Bracket with 3.25"-5.5" Receiver, extruded		EA	9	\$0.00	\$0.00	\$0.00	\$0.00	
36	2-3/8" Round Metal Post Cap/Bracket with 3.25"-5.5" Receiver, extruded		EA	2	\$0.00	\$0.00	\$0.00	\$0.00	
37	90 Degree Crosspiece with 3.25"-5.5" Receiver, extruded		EA	47	\$0.00	\$0.00	\$0.00	\$0.00	
38	48/180 Degree Adjustable Crosspiece with 3.25"-5.5" Receiver, extruded		EA	1	\$0.00	\$0.00	\$0.00	\$0.00	
39	3/8" x 3" Galvanized Steel Lag Bolts		EA	252	\$0.00	\$0.00	\$0.00	\$0.00	
40	3/8" Galvanized Washers		EA	252	\$0.00	\$0.00	\$0.00	\$0.00	
41	3/8" Nylon Washers		EA	252	\$0.00	\$0.00	\$0.00	\$0.00	
BASE QUOTE TOTAL					\$8,316.25		\$6,326.00		
8.6% WASHINGTON STATE SALES TAX						\$715.20		\$544.04	
SHIPPING						\$320.00			
TOTAL CONTRACT AMOUNT BID					\$9,351.45		\$6,870.04		

incomplete quote
incomplete quote
quote not signed

CITY COUNCIL AGENDA BILL

City of Black Diamond
Post Office Box 599
Black Diamond, WA 98010

ITEM INFORMATION																								
SUBJECT: Resolution No. 13-898, authorizing the Mayor to execute a legal services agreement with Kenyon Disend, PLLC	Agenda Date: November 7, 2013	AB13-085																						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Department/Committee/Individual</td> <td style="width: 20%;"></td> </tr> <tr> <td>Mayor Rebecca Olness</td> <td style="text-align: center;">X</td> </tr> <tr> <td>City Administrator –Mark Hoppen</td> <td></td> </tr> <tr> <td>City Attorney –Chris Bacha</td> <td></td> </tr> <tr> <td>City Clerk – Brenda L. Martinez</td> <td></td> </tr> <tr> <td>Finance – May Miller</td> <td></td> </tr> <tr> <td>Public Works – Seth Boettcher</td> <td></td> </tr> <tr> <td>Economic Devel. – Andy Williamson</td> <td></td> </tr> <tr> <td>Police – Jamey Kiblinger</td> <td></td> </tr> <tr> <td>Court – Stephanie Metcalf</td> <td></td> </tr> <tr> <td>Comm. Dev. – Steve Pilcher</td> <td></td> </tr> </table>	Department/Committee/Individual		Mayor Rebecca Olness	X	City Administrator –Mark Hoppen		City Attorney –Chris Bacha		City Clerk – Brenda L. Martinez		Finance – May Miller		Public Works – Seth Boettcher		Economic Devel. – Andy Williamson		Police – Jamey Kiblinger		Court – Stephanie Metcalf		Comm. Dev. – Steve Pilcher		
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Comm. Dev. – Steve Pilcher																								
Cost Impact:																								
Fund Source:																								
Timeline:																								
Agenda Placement: <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator																								
Attachments: Resolution No. 13-898, Proposed Agreement, Resolution No. 11-772																								
<p>SUMMARY STATEMENT:</p> <p>In December of 2011 the City of Black Diamond renewed the legal services agreement with the Issaquah Law Firm of Kenyon Disend, PLLC. This firm has been providing legal services for the City since January of 2010. The current agreement expires on December 31, 2013.</p> <p>The agreement before you is the same one the City has been operating under for the last year and a half. It contains a less than 10% increase in hourly rates and Chris Bacha continues to serve as the City Attorney with Mike Kenyon serving as primary backup.</p> <p>The agreement is for two years and shall be in effect from January 1, 2013 to December 31, 2015 with the parties meeting at least 60 days prior to expiration to confer about terms renewal.</p>																								
<p>COMMITTEE REVIEW AND RECOMMENDATION:</p>																								
<p>RECOMMENDED ACTION: MOTION to adopt Resolution No. 13-898, authorizing the Mayor to execute a legal services agreement with Kenyon Disend, PLLC.</p>																								
RECORD OF COUNCIL ACTION																								
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>																						
November 7, 2013																								

RESOLUTION NO. 13-898

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BLACK DIAMOND, KING COUNTY, WASHINGTON
AUTHORIZING THE MAYOR TO EXECUTE A 2012-2013
CONTRACT FOR LEGAL SERVICES WITH KENYON
DISEND, PLLC**

WHEREAS, on January 7, 2010 the City entered into a legal services agreement with Kenyon Disend, PLLC to provide legal services for the City of Black Diamond; and

WHEREAS, on December 15, 2010 the City renewed the contract for two years with it expiring on December 31, 2013; and

WHEREAS, the City of Black Diamond and the Law Firm of Kenyon Disend, PLLC both desire to continue contracting for legal services;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The Mayor is hereby authorized to execute a legal services agreement with Kenyon Disend, PLLC substantially in the form attached hereto as Exhibit A.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 7TH DAY OF NOVEMBER, 2013.

CITY OF BLACK DIAMOND:

Rebecca Olness, Mayor

Attest:

Brenda L. Martinez, City Clerk

AGREEMENT FOR LEGAL SERVICES

I. PARTIES

This Agreement is made on this ___ day of _____, 2013, between the City of Black Diamond ("City") and Kenyon Disend, PLLC ("Attorneys").

II. SERVICES OF THE ATTORNEYS

Attorneys shall provide the legal services set forth in this Agreement and shall work for City at the pleasure of and under the direction of the Mayor. Chris Bacha will serve as the City Attorney, with primary back-up provided by Mike Kenyon, and will direct the services provided under this contract.

III. QUALITY OF SERVICES

Attorneys shall perform all legal services covered by this Agreement in a capable and efficient manner, and in accordance with the professional standards of the Washington State Bar Association. Attorneys shall be available at all times for consultation and advice, including on weekends and holidays if needed, directly or through telephone, e-mail, or other forms of communication.

IV. SERVICES PROVIDED

The City Attorney shall be principally responsible for performing all legal work for the City, except prosecution of criminal cases, where defense is provided through insurance coverage, matters in which a conflict of interest exists, or as may otherwise be assigned to other counsel by the Mayor. The following list of duties is illustrative, but is not necessarily inclusive, of the services to be performed by the Attorneys:

- (1) Review or draft City ordinances, agreements, resolutions, interlocal agreements, and other legal documents as requested by City;
- (2) Represent City in all lawsuits and other contested administrative proceedings commenced by or against City, except where defense is provided through insurance coverage;
- (3) Consult with and advise the Mayor, City Councilmembers and staff members in person, by telephone, e-mail, or by written memo on City business; and
- (4) Attend regular City Council meetings and other meetings as requested by the Mayor.

**V.
FEES AND COSTS**

A. Legal Services. For 2014, City shall be billed for legal services described above at the Attorneys' and paralegals' regular hourly rates as set forth in Exhibit A. Attorneys shall provide City its 2015 hourly rates no later than October 1, 2014, and shall bill City accordingly for services provided in 2015. Attorneys will also charge City fifteen cents per page for photocopying and facsimile transmissions, and shall be reimbursed for legal messenger services, computerized legal research charges, filing fees advanced on behalf of City, and other direct expenses without markup.

B. Attorneys shall not charge City for mileage reimbursement costs, nor for long-distance telephone charges.

C. The monthly fees and costs, exclusive of those fees and costs described in subparagraph D, below, which are to be initially paid to City by third parties pursuant to City ordinance or other action of City, shall not exceed \$7,000 without prior authorization from the Mayor.

D. Fees and costs for Attorneys services, initially paid to City by land use applicants or other third parties pursuant to City ordinance or other action of City authorizing such reimbursement ("Pass-Through Fees"), may be subject to prior review for reasonableness by such other third party. In the event that any third party challenges the reasonableness of Attorneys' Pass-Through Fees, City shall only be responsible to pay Attorneys for such portion of the challenged fees and costs as City in its sole discretion deems reasonable.

E. Attorneys' current rates expressly account for any taxes or related charges ("charges") imposed on professional service providers by City and State of Washington. In the event that any such additional charges are imposed during the term of this Agreement, Attorneys shall be entitled to recover any such additional charges as a reimbursable cost item on Attorneys' monthly billing statements.

F. Attorneys shall apply for and obtain a business license with City and shall maintain a current business license for the duration of this contract. Fees and costs associated with the application shall not be charged to City.

**VI.
PAYMENT TERMS**

Fees and costs are due in full from City upon billing by Attorneys. A service charge shall accrue at the rate of 12% per annum, but shall only be added to any balance remaining unpaid sixty (60) days after the statement date.

**VII.
TIME RECORDS**

Attorneys will maintain accurate time records describing the services performed and the dates upon which said services were performed, and shall provide a monthly statement to City setting forth the time expended for such services.

**VIII.
AGREEMENT PERIOD**

After City Council approval, this Agreement shall be in effect as of January 1, 2014, and shall remain in effect until December 31, 2015, unless sooner terminated as set forth herein. The parties shall meet and confer regarding renewal terms at least sixty days before expiration of this contract. Each party shall have the right to terminate this Agreement upon sixty days written notice.

**IX.
INDEMNIFICATION/HOLD HARMLESS**

Attorneys shall defend, indemnify and hold City and its officers and employees harmless from any suits brought against City, and damages awarded as a result of such suits, arising out of or resulting from the fault of Attorneys in performance of this Agreement, except to the extent of any fault of City or its officers or employees.

**X.
INSURANCE**

Attorneys shall maintain for the protection of City a professional errors and omissions insurance policy with minimum coverage of one million dollars per claim and three million dollars annual aggregate.

CITY OF BLACK DIAMOND

KENYON DISEND, PLLC

By: _____
Rebecca Olness, Mayor

By:  _____
Mike Kenyon

EXHIBIT A

**KENYON DISEND, PLLC
HOURLY RATE SCHEDULE FOR YEAR 2014**

ATTORNEYS:

Partners and Senior Attorneys:

Michael R. Kenyon	\$280.00
Bruce L. Disend	\$280.00
Shelley M. Kerslake	\$250.00
Chris D. Bacha	\$245.00
Bob C. Sterbank	\$245.00
Kari L. Sand	\$230.00
John "Jay" P. Long Jr.	\$230.00

Associate Attorneys:

Rachel B. Turpin	\$155.00
Danielle M. Evans	\$155.00
Ann Marie Soto	\$150.00
Nicole L. Hay	\$140.00

PARALEGALS:

Margaret C. Starkey	\$115.00
Sheryl A. Loewen	\$100.00
Pam M. Odegard	\$100.00
Mary A. Swan	\$100.00
Terry T. Curran	\$100.00
Kathy I. Swoyer	\$100.00

RESOLUTION NO. 11-772

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BLACK DIAMOND, KING COUNTY, WASHINGTON
AUTHORIZING THE MAYOR TO EXECUTE A 2012-2013
CONTRACT FOR LEGAL SERVICES WITH KENYON
DISEND, PLLC

WHEREAS, on January 7, 2010 the City entered into a legal services agreement with Kenyon Disend, PLLC to provide legal services for the City of Black Diamond; and

WHEREAS, on October 21, 2010 the City renewed the contract with minor alterations; and

WHEREAS, the City of Black Diamond and the Law Firm of Kenyon Disend, PLLC both desire to continue contracting for legal services;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The Mayor is hereby authorized to execute a legal services agreement with Kenyon Disend, PLLC substantially in the form attached hereto as Exhibit A.

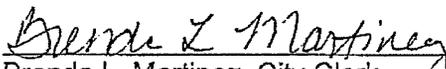
PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 15TH DAY OF DECEMBER, 2011.

CITY OF BLACK DIAMOND:



Rebecca Olness, Mayor

Attest:



Brenda L. Martinez, City Clerk

AGREEMENT FOR LEGAL SERVICES

I. PARTIES

This Agreement is made on this 15 day of December, 2011, between the City of Black Diamond ("City") and Kenyon Disend, PLLC ("Attorneys").

II. SERVICES OF THE ATTORNEYS

The Attorneys shall provide the legal services set forth in this Agreement and shall work for the City at the pleasure of and under the direction of the Mayor. Chris Bacha will serve as the City Attorney, with primary back-up provided by Mike Kenyon, and will direct the services provided under this contract.

III. QUALITY OF SERVICES

The Attorneys shall perform all legal services covered by this Agreement in a capable and efficient manner, and in accordance with the professional standards of the Washington State Bar Association. The Attorneys shall be available at all times for consultation and advice, including on weekends and holidays if needed, directly or through telephone, e-mail, or other forms of communication.

IV. SERVICES PROVIDED

The City Attorney shall be principally responsible for performing all legal work for the City, except prosecution of criminal cases, where defense is provided through insurance coverage, matters in which a conflict of interest exists, or as may otherwise be assigned to other counsel by the Mayor. The following list of duties is illustrative, but is not necessarily inclusive, of the services to be performed by the Attorneys:

- (1) Review or draft City ordinances, agreements, resolutions, interlocal agreements, and other legal documents as requested by the City;
- (2) Represent the City in all lawsuits and other contested administrative proceedings commenced by or against the City, except where defense is provided through insurance coverage;
- (3) Consult with and advise the Mayor, City Councilmembers and staff members in person, by telephone, e-mail, or by written memo on City business; and
- (4) Attend regular City Council meetings and other meetings as requested by the Mayor.

**V.
FEES AND COSTS**

A. Legal Services. City shall be billed for legal services described above at the Attorneys' and paralegals' regular hourly rates as set forth in Exhibit A. The Attorneys will also charge the City fifteen cents per page for photocopying and facsimile transmissions, and shall be reimbursed for legal messenger services, computerized legal research charges, filing fees advanced on behalf of the City, and other direct expenses without markup.

B. The Attorneys shall not charge the City for mileage reimbursement costs, nor for long-distance telephone charges.

C. The monthly fees and costs, exclusive of those fees and costs described in subparagraph D., below, which are to be initially paid to the City by third parties pursuant to City ordinance or other action of the City, shall not exceed \$7,000 without prior authorization from the Mayor.

D. Fees and costs for Attorneys services, initially paid to the City by land use applicants or other third parties pursuant to City ordinance or other action of the City authorizing such reimbursement ("Pass-Through Fees"), may be subject to prior review for reasonableness by such other third party. In the event that any third party challenges the reasonableness of Attorneys' Pass-Through Fees, the City shall only be responsible to pay Attorneys for such portion of the challenged fees and costs as the City in its sole discretion deems reasonable.

Attorneys' current rates expressly account for any taxes or related charges ("charges") imposed on professional service providers by the City and State of Washington. In the event that any such additional charges are imposed during the term of this Agreement, Attorneys shall be entitled to recover any such additional charges as a reimbursable cost item on Attorneys' monthly billing statements.

Attorneys shall apply for and obtain a business license with the City and shall maintain a current business license for the duration of this contract. Fees and costs associated with the application shall not be charged to the City.

**VI.
PAYMENT TERMS**

Fees and costs are due in full from the City upon billing by the Attorneys. A service charge shall accrue at the rate of 12% per annum, but shall only be added to any balance remaining unpaid sixty (60) days after the statement date.

**VII.
TIME RECORDS**

The Attorneys will maintain accurate time records describing the services performed and the dates upon which said services were performed, and shall provide a monthly statement to the City setting forth the time expended for such services.

**VIII.
AGREEMENT PERIOD**

After City Council approval, this Agreement shall be in effect as of January 1, 2012, and shall remain in effect until December 31, 2013, unless sooner terminated as set forth herein. Attorneys hourly rates for 2012 are reflected on the attached Exhibit A. The parties shall meet and confer regarding renewal terms at least sixty days before expiration of this contract. Each party shall have the right to terminate this Agreement upon sixty days written notice.

**IX.
INDEMNIFICATION/HOLD HARMLESS**

The Attorneys shall defend, indemnify and hold the City and its officers and employees harmless from any suits brought against the City, and damages awarded as a result of such suits, arising out of or resulting from the fault of the Attorneys in performance of this Agreement, except to the extent of any fault of the City or its officers or employees.

**X.
INSURANCE**

The Attorneys shall maintain for the protection of the City a professional errors and omissions insurance policy with minimum coverage of one million dollars per claim and three million dollars annual aggregate.

CITY OF BLACK DIAMOND

By: Rebecca Olness
Rebecca Olness, Mayor

KENYON DISEND, PLLC

By: Mike Kenyon
Mike Kenyon

EXHIBIT A

KENYON DISEND, PLLC
HOURLY RATE SCHEDULE FOR YEAR 2012

ATTORNEYS:

Partners and Senior Attorneys:

Michael R. Kenyon	\$255.00
Bruce L. Disend	\$255.00
Shelley M. Kerslake	\$225.00
Chris D. Bacha	\$225.00
Bob C. Sterbank	\$225.00
Margaret J. King	\$220.00
Kari L. Sand	\$210.00

Associate Attorneys:

Rachel B. Turpin	\$130.00
Ann Marie Soto	\$125.00

PARALEGALS:

Margaret C. Starkey	\$105.00
Sheryl A. Loewen	\$ 95.00
Pam M. Odegard	\$ 90.00
Mary Eichelberger	\$ 90.00
Terry Cox	\$ 90.00
Kathy Swoyer	\$ 90.00

LEGAL INTERNS:	\$100.00
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