

RESOLUTION NO. 05- 377

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON REGARDING ITS INTENT TO ENTER INTO A CONTRACT WITH PENHALLEGON ASSOCIATES CONSULTING ENGINEERS, INC. FOR PROJECT MANAGEMENT AND ENGINEERING SERVICES IN CONNECTION WITH THE WATER SYSTEM IMPROVEMENTS PROJECT

WHEREAS, the City conducted a bid opening for its Water System Improvements Project on April 19, 2005; and

WHEREAS, the City entered into a Water Supply and Facilities Funding Agreement on August 11, 2003 with Plum Creek Land Company, Palmer Coking Coal Co., and Black Diamond Associates, Ltd., an In City Water Supply and Facilities Funding Agreement on August 11, 2003 with Palmer Coking Coal, Co., and an In City Water Supply and Facilities Funding Agreement with Plum Creek Land Company on August 11, 2003; and

WHEREAS, the City entered into these Water Supply and Facilities Funding Agreements partly in order to fund said Water System Improvements Project and related project management and engineering services; and

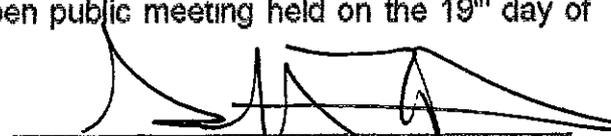
WHEREAS, Sections 16 and 20 of the Water Supply and Facilities Funding Agreements provide that the Property Owners shall pay to the City 110% of the City Costs related to Tasks 8 and 12 within 45 days after receiving the City's written notice that it intends to award the Task 5 and Task 11 construction contracts ("Deposit"); and

WHEREAS, the City intends, in carrying out the intent and purpose of the Water Supply and Facilities Funding Agreements, to incur City Costs for project management and engineering services related to the construction of the Water System Improvements Project; now, therefore

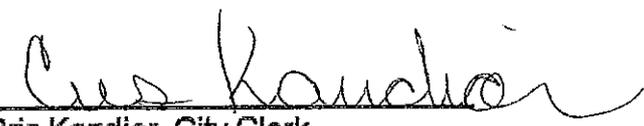
BE IT RESOLVED that the City intends, after it receives the Deposit, to enter into a contract with Penhallegon Associates Consulting Engineers, Inc. for project management and engineering services related to the construction of the Water System Improvements Project for an amount not to exceed \$595,000.00; and

BE IT FURTHER RESOLVED that after the City receives the Deposit, the City Mayor is authorized to execute, on behalf of the City, a contract with Penhallegon Associates Consulting Engineers, Inc. for project management and engineering services related to the construction of the Water System Improvements Project for an amount not to exceed \$595,000.00.

ADOPTED by the City Council at an open public meeting held on the 19th day of
May 2005.


Howard Botts, Mayor - *Pro Tem*
Geoff Bowie

Attest:


Cris Kandior, City Clerk