

RESOLUTION NO. 05-391

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO ENTER INTO THE MAJOR ROAD ACCESS FUNDING AGREEMENT FOR THE WEST ANNEXATION AREA WITH PLUM CREEK LAND COMPANY AND KING COUNTY

WHEREAS, Plum Creek Timber Company, L.P., the County, the City, and others are parties to the Black Diamond Urban Growth Area Agreement dated December 31, 1996 ("BDUGAA"); and

WHEREAS, the interests of Plum Creek Timber Company, L.P. relative to that agreement have been assigned to Plum Creek; and

WHEREAS, the West Annexation Area, as defined in the BDUGAA cannot be annexed until major road access, which shall include an east-west connection ("Pipeline Road"), for the West Annexation Area is available at the time of annexation or contracts for construction of such infrastructure have been awarded, or the County, City and Plum Creek agree that commitments to construct and provide such infrastructure are in place so that service can be provided at the time of project completions (see BDUGAA section 5.2(b)); and

WHEREAS, the purpose of this Agreement is to satisfy the requirement of BDUGAA section 5.2(b) that commitments to construct and provide major road access are in place so that service can be provided at the time of project completions and it is not intended to supersede any of the BDUGAA provisions; now, therefore,

BE IT RESOLVED that the Mayor is hereby authorized to enter into an agreement with Plum Creek Land Company and King County for Major Road Access Funding for the West Annexation Area, said agreement to be substantially in the form attached hereto as Exhibit 1 and by reference incorporated herein.

ADOPTED by the City Council at an open public meeting held on the 20<sup>th</sup> day of October, 2005.

  
Howard Botts, Mayor

Attest:

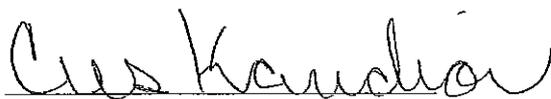
  
Cris Kandior, City Clerk

EXHIBIT 1  
TO  
BLACK DIAMOND RESOLUTION NO. 05-391

MAJOR ROAD ACCESS FUNDING AGREEMENT  
FOR  
WEST ANNEXATION AREA

1. Date and Parties. This Agreement (“Agreement”), for reference purposes only, is dated the \_\_\_\_ day of November, 2005 and is entered into by and between Plum Creek Land Company, a Delaware Corporation (“Plum Creek”), the City of Black Diamond, a Washington municipal corporation (“City”), and King County (“County”).

2. General Recitals.

A. Plum Creek Timber Company, L.P., the County, the City, and others are parties to the Black Diamond Urban Growth Area Agreement dated December 31, 1996 (“BDUGAA”).

B. The interests of Plum Creek Timber Company, L.P. relative to that agreement have been assigned to Plum Creek.

C. The West Annexation Area, as defined in the BDUGAA, cannot be annexed until major road access, which shall include an east-west connection (“Pipeline Road”), for the West Annexation Area is available at the time of annexation or contracts for construction of such infrastructure have been awarded, or the County, City and Plum Creek agree that commitments to construct and provide such infrastructure are in place so that service can be provided at the time of project completions (see BDUGAA section 5.2(b)).

D. The purpose of this Agreement is to satisfy the requirement of BDUGAA section 5.2(b) that commitments to construct and provide major road access are in place so that service can be provided at the time of project completions and it is not intended to supersede any of the BDUGAA provisions.

3. Plum Creek’s Commitment to Construct Major Road Access.

A. Subject to the provisions of this Agreement, Plum Creek commits to construct and provide major road access, including an east-west connection (“Pipeline Road”), to the West Annexation Area, so major road access service for the West Annexation Area can be provided at the time of project completions.

B. The City and Plum Creek agree that the West Annexation Area shall be developed subject to a Master Plan Development permit issued pursuant to City Major Road Access Funding Agreement  
For West Annexation Area

Ordinance 05-779 and any amendments thereto. The details, timing and phasing for the construction of said major road access improvements shall be determined during the Master Plan Development permit approval process and shall be incorporated into the Master Plan Development permit approval conditions.

PLUM CREEK LAND COMPANY  
a Delaware Corporation

\_\_\_\_\_  
By: \_\_\_\_\_  
Title: \_\_\_\_\_

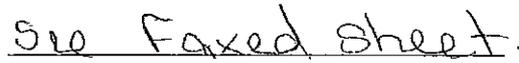
CITY OF BLACK DIAMOND

  
\_\_\_\_\_  
Howard Botts, Mayor

Attest:

  
\_\_\_\_\_  
Cris Kandior, City Clerk

KING COUNTY

  
\_\_\_\_\_  
Ron Sims, Executive

I:\docs\b\24316\roadfunding\agm-city101705

B. The City and Plum Creek agree that the West Annexation Area shall be developed subject to a Master Plan Development permit issued pursuant to City Ordinance 05-779 and any amendments thereto. The details, timing and phasing for the construction of said major road access improvements shall be determined during the Master Plan Development permit approval process and shall be incorporated into the Master Plan Development permit approval conditions.

PLUM CREEK LAND COMPANY  
a Delaware Corporation

By: Larry D. Neilson  
Title: Senior Vice President  
Planning and Business Development

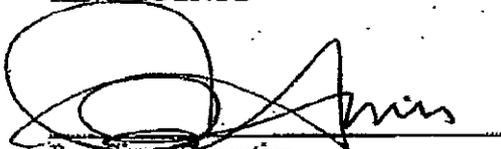
CITY OF BLACK DIAMOND

Howard Bolts, Mayor

Attest:

Cris Kandior, City Clerk

KING COUNTY

  
Ron Sims, Executive

F:\docs\624316\roadfunding\egm-city103105