

**HIGHLINE WATER DISTRICT
King County, Washington**

RESOLUTION 18-7-18A

**RESOLUTION ACCEPTING AN EXTENSION TO THE WATER DISTRICT SYSTEM
DES MOINES CREEK BUSINESS PARK IV – 21215 PACIFIC HWY S, DES MOINES, WA**

WHEREAS, the Board of Commissioners of Highline Water District has heretofore approved an application for the above-titled extension; and

WHEREAS, said extension has been found to have been constructed in accordance with the District's standards; and

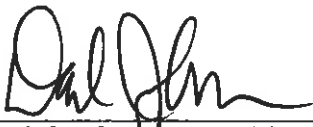
WHEREAS, pressure, bacteriological and other tests have been made and the results have proven satisfactory. The General Manager agrees with the recommendation for acceptance of said extension.

NOW, THEREFORE, BE IT RESOLVED:

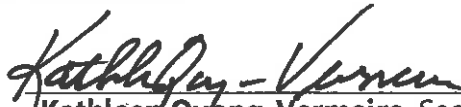
1. The above-entitled extension to the District's system is hereby accepted by the District, subject to the guarantee and other provisions of the Developer Extension Agreement on file at the District's office.
2. The Bill of Sale, notarized on 05/03/18 and executed by Bart Brynestad, Local Partner, is hereby accepted and attached as Exhibit A, along with system map.

ADOPTED BY THE BOARD OF COMMISSIONERS of Highline Water District, King County, Washington, at an open public meeting held this **18th** day of **July 2018**.

BOARD OF COMMISSIONERS



Daniel Johnson, President



Kathleen Quong-Vermeire, Secretary



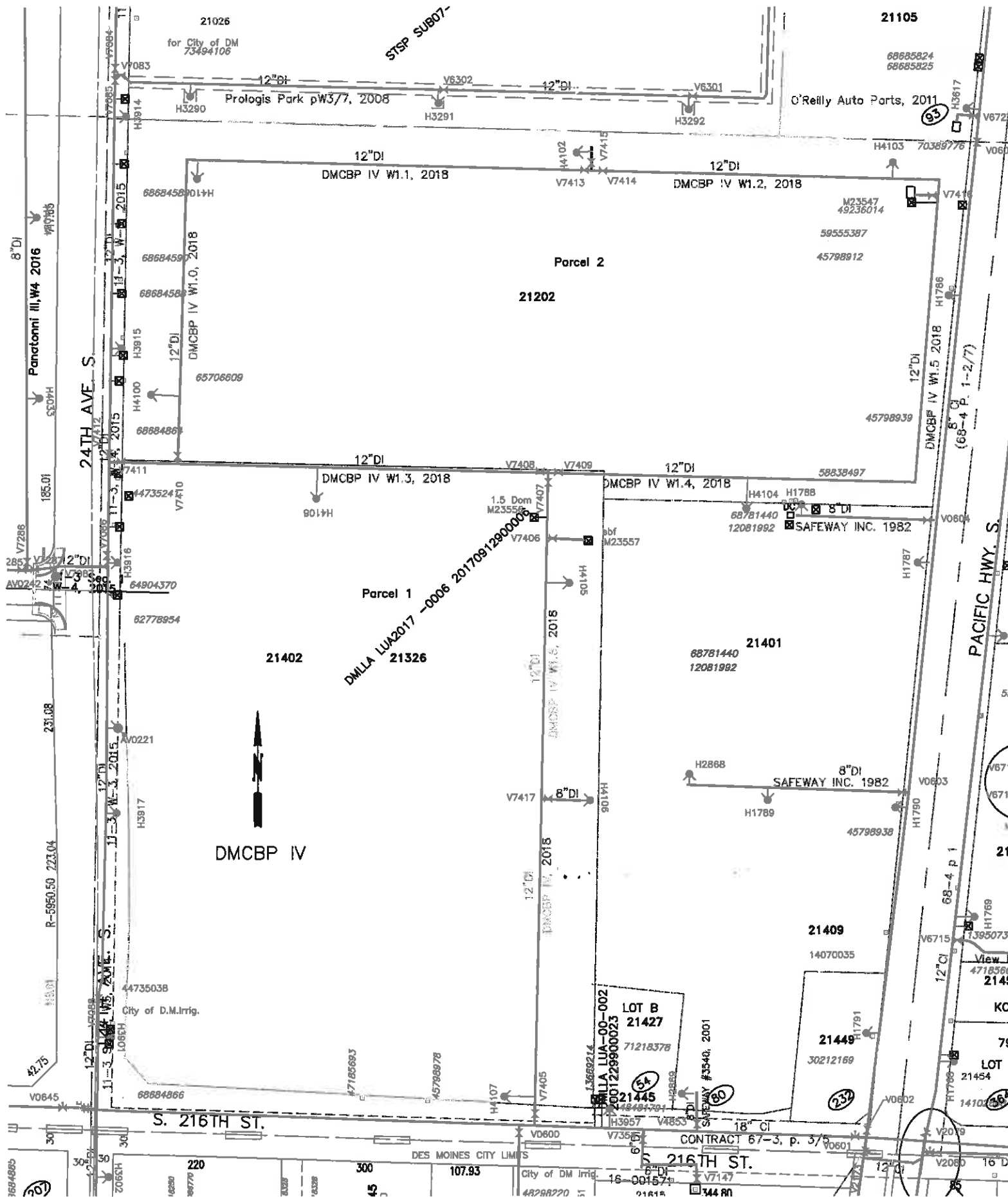
Todd Fultz, Commissioner



Vince Koester, Commissioner



George Landon, Commissioner



21026
for City of DM
73494106

STSP SUB07-

21105

68685824
68685825

Prologis Park pW3/7, 2008

O'Reilly Auto Parts, 2011

DMCBP IV W1.1, 2018

DMCBP IV W1.2, 2018

Parcel 2

21202

24TH AVE S

Panatonni III, W4 2016

Parcel 1

DMILA LUA2017 -0006 201709129000000

21402

21326

21401

68781440
12081992

SAFeway INC. 1982

DMCBP IV

SAFeway INC. 1982

21409

14070035

21449

30212160

21

View I
4718596
2145

KC

7E

LOT
21454

1410

S. 216TH ST.

CONTRACT 67-3, p. 3/6

S. 216TH ST.

DES MOINES CITY LIMITS

City of DM Irrig
4R2R220 51

144 RN

HIGHLINE WATER DISTRICT

EXHIBIT A

BILL OF SALE

Know all men by these presents that for and in consideration of the sum of One Dollar (\$1.00) and other good and sufficient consideration, receipt whereof is hereby acknowledged, the undersigned grantor,

DMCBP Phase IV, LLC, does by the presents hereby convey, set over, assign, transfer and sell to **HIGHLINE WATER DISTRICT**, King County, Washington, a municipal corporation, the following described water mains and all appurtenances thereto, situated in King County, Washington.

LOCATION 21202 1/2 21402 24th Avenue S, Des Moines, WA 98198

ALONG:	<u>on site</u>	FROM:	<u>on site</u>	TO:	<u>on site</u>
ALONG:		FROM:		TO:	

DESCRIBED WATER MAINS & APPURTENANCES

Appurtenance	Size/Type	Amount Installed	Unit	Total Cost
Bldg A – DIP Fire	12"	3092 LF	LF	\$275,684
Bldg A – Fire Hydrant		5	EA	\$51,104
Bldg A – Fire Service	10" DI	10 LF	LF	\$800
Bldg A – Domestic Service	1 1/2"	1	EA	\$5,041
Bldg B – DIP	12"	570 LF	LF	\$80,015
Bldg B – Fire Hydrant		4	EA	\$40,812
Bldg B – Fire Service	10" DI	49 LF	LF	\$3,920
Bldg B – Domestic Service	1 1/2"	1	EA	\$5,041
8" Gate Valve	8"	1	EA	\$2,000
10" Gate Valves	10"	2	EA	\$5,000
12" Gate Valves	12"	10	EA	\$29,500
Hydrant Runs	6" DI	298 LF	LF	\$14,900
Total Cost of Water Improvements				\$513,817

The said Grantor hereby certifies that it is the sole owner of all of the property above described;

that it has full power to convey the same and that it will defend the said title of said water district against any and all persons lawfully making claim thereto. The total cost of installing the above described extension to the present water district system, including labor and materials is:

Highline Water District

Name of Project: 21202 & 21402 24th Avenue South, Des Moines Creek Business Park Phase IV

Maintenance Bond

KNOW ALL MEN BY THESE PRESENTS that whereas Highline Water District, King County, Washington, a Washington municipal corporation, hereinafter designated as "*the District*" has entered into a contract dated September 20, 2017, with D MCBP Phase IV, LLC, hereinafter designated as "*the developer*", providing for construction of 21202 & 21402 24th Avenue South, Des Moines Creek Business Park Phase IV, which contract is on file at the District offices and by this reference is made a part hereof.

Whereas said contract and the "*contract documents*" composing it are on file at the water district office and are incorporated herein by reference, and made a part hereof as though fully set forth; and

Whereas said Developer is required under the terms of said contract to furnish a Maintenance Bond for 50% of the actual and total documented costs for the installation of water main and related appurtenances and faithful performance thereof for a period of two (2) years, or until the District inspects and releases said project.

Now Therefore we, the undersigned Developer, as principal, and Atlantic Specialty Insurance Company, a corporation organized and existing under and by virtue of the laws of the State of New York and duly authorized to do a surety business in the State of Washington, as surety, are held and firmly bound unto said water district in the sum of Two Hundred Fifty Six Thousand Nine Hundred Eight and 50/100 Dollars (\$ 256,908.50) for the payment of which we do jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns by these presents.

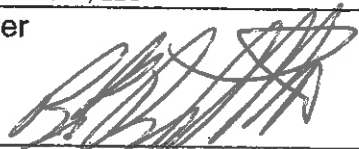
The conditions of this obligation are such that the Developer, his heirs, representatives or successors or assigns shall well and truly keep and observe all of the covenants, conditions and agreements in said contract, and contract documents, and shall faithfully perform all of the provisions of the said contract and contract documents, and pay all contractors, laborers, mechanics, sub-contractors and material men and all persons who shall supply such person or subcontractors with provisions and supplies for carrying on such work, and shall pay all obligations arising under the said contract, including taxes, and shall indemnify and save harmless the District, its officers and agents, from any pecuniary loss, including legal fees and expense, resulting from the breach of any of the covenants, conditions or agreements to be performed by the developer.

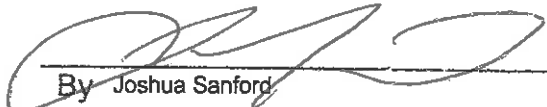
No change, extension of time, alteration or addition to the work to be performed under

this contract shall in any way affect the Developer's or Surety's obligation on this bond, & Surety does hereby waive notice of any change, extension of time, alteration or additions to the work.

This bond is furnished in pursuance of the requirements of the said contract and contract documents, and is in accord with the provisions of Section 39.08.010 et. seq. of the Revised Code of Washington (RCW), and in addition to the other obligations herein contained, is made, executed and delivered by the Developer and Surety to the Owner for the laborers, mechanics, sub-contractors and material men, and all persons who supply such person(s) with provisions and supplies for the carrying on of the work covered by the said contract and contract documents.

IN WITNESS WHEREOF the said Developer and the said Surety caused this bond to be signed and sealed by their duly authorized officers or agents this 3rd day of May, 2018.

DMCBP Phase IV, LLC
Developer

By Bart Brynestad
Local Partner
Title

Atlantic Specialty Insurance Company
Surety

By Joshua Sanford
Attorney-in-Fact
Title

Attorney-in-fact

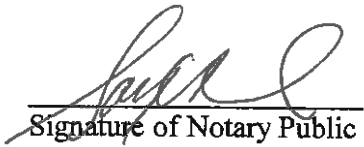
NOTARY ACKNOWLEDGMENT OF SURETY:

State of Connecticut

County of Hartford ss.

On this the 3rd day of May, 2018, before me, Saykham Chanthasone, the undersigned officer, personally appeared Joshua Sanford, known to me (or satisfactorily proven) to be the person whose name is subscribed as Attorney-In-Fact for Atlantic Specialty Insurance Company, and acknowledged that s/he executed the same as the act of his/her principal for the purposes therein contained.

In witness whereof I hereunto set my hand.



Signature of Notary Public

Date Commission Expires: October 31, 2018

Saykham Chanthasone

Printed Name of Notary

SAYKHAM CHANTHASONE
NOTARY PUBLIC - CT 165366
MY COMMISSION EXPIRES OCT. 31, 2018



Power of Attorney

KNOW ALL MEN BY THESE PRESENTS, that ATLANTIC SPECIALTY INSURANCE COMPANY, a New York corporation with its principal office in Plymouth, Minnesota, does hereby constitute and appoint: **Michelle Anne McMahon, Brian Peters, Stacy Rivera, Donna M Planeta, Joshua Sanford, Aimee R Perondine, Aiza Lopez, Keri Ann Smith, Danielle D Johnson, Stephani A Trudeau**, each individually if there be more than one named, its true and lawful Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf as surety, any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof; provided that no bond or undertaking executed under this authority shall exceed in amount the sum of: **sixty million dollars (\$60,000,000)** and the execution of such bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof in pursuance of these presents, shall be as binding upon said Company as if they had been fully signed by an authorized officer of the Company and sealed with the Company seal. This Power of Attorney is made and executed by authority of the following resolutions adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the President, any Senior Vice President or Vice-President (each an "Authorized Officer") may execute for and in behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and affix the seal of the Company thereto; and that the Authorized Officer may appoint and authorize an Attorney-in-Fact to execute on behalf of the Company any and all such instruments and to affix the Company seal thereto; and that the Authorized Officer may at any time remove any such Attorney-in-Fact and revoke all power and authority given to any such Attorney-in-Fact.

Resolved: That the Attorney-in-Fact may be given full power and authority to execute for and in the name and on behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and any such instrument executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed and sealed by an Authorized Officer and, further, the Attorney-in-Fact is hereby authorized to verify any affidavit required to be attached to bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof.

This power of attorney is signed and sealed by facsimile under the authority of the following Resolution adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the signature of an Authorized Officer, the signature of the Secretary or the Assistant Secretary, and the Company seal may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing an Attorney-in-Fact for purposes only of executing and sealing any bond, undertaking, recognizance or other written obligation in the nature thereof, and any such signature and seal where so used, being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

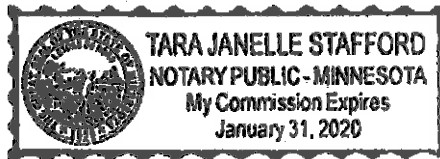
IN WITNESS WHEREOF, ATLANTIC SPECIALTY INSURANCE COMPANY has caused these presents to be signed by an Authorized Officer and the seal of the Company to be affixed this eighth day of December, 2014.



By *Paul J. Brehm*
Paul J. Brehm, Senior Vice President

STATE OF MINNESOTA
HENNEPIN COUNTY

On this eighth day of December, 2014, before me personally came Paul J. Brehm, Senior Vice President of ATLANTIC SPECIALTY INSURANCE COMPANY, to me personally known to be the individual and officer described in and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, that he is the said officer of the Company aforesaid, and that the seal affixed to the preceding instrument is the seal of said Company and that the said seal and the signature as such officer was duly affixed and subscribed to the said instrument by the authority and at the direction of the Company.



Tara Janelle Stafford
Notary Public

I, the undersigned, Assistant Secretary of ATLANTIC SPECIALTY INSURANCE COMPANY, a New York Corporation, do hereby certify that the foregoing power of attorney is in full force and has not been revoked, and the resolutions set forth above are now in force.

Signed and sealed. Dated 3rd day of May, 2018.

This Power of Attorney expires
October 1, 2019



James G. Jordan
James G. Jordan, Assistant Secretary

Agenda Item No.: 3.1
Agenda Date: 07/18/18
Reviewed By: [Signature]

RE: Developer Extension – Accept as Complete
Des Moines Creek Business Park IV (DMCBP IV)

ATTACHMENTS:

1. Resolution
2. Map
3. Bill of Sale
4. Maintenance Bond

BACKGROUND:

Name of DE: Des Moines Creek Business Park IV

Name of Developer: Des Moines Business Park IV, LLC

Plat or Subdivision:

Scope of Work: Provide and install approx. 333 lf 6" DI, 63 LF of 8" DI, 212 LF of 10" DI, and 3390 LF of 12" DI water main, two new 1 1/2" domestic services, One 2" irrigation service, 9 fire hydrants, two 10" DDCVA's, and related appurtenances necessary to provide domestic water service, irrigation, and fire suppression to 2 new warehouse facilities.

Resolution # Authorize DE: 17-9-20C

General Location of DE: 21215 Pacific Hwy S., Des Moines, WA 98198

Bill of Sale Dated: 05/03/2018

Signed by: Bart Brynestad, Local Partner

Requesting Latecomers

Payback Agreement?: Yes No N/A

Deposit Paid?: Yes No N/A

Amt. of Deposit: \$10,000

Explanation: This is the final step in the developer extension process. This resolution authorizes acceptance of the developer extension, and staff has verified that it is complete in accordance with the District's standards.