

**AMENDMENT TO
JUNE 16, 1982
AGREEMENT FOR SEWAGE DISPOSAL
BETWEEN THE
CITY OF EVERETT AND SILVER LAKE WATER DISTRICT**

This Agreement made this 28th day of June, 2000, between SILVER LAKE WATER DISTRICT, a municipal corporation of the State of Washington, hereinafter referred to as "DISTRICT", and THE CITY OF EVERETT, a municipal corporation of the State of Washington, hereinafter referred to as "CITY",

WITNESSETH:

I. BACKGROUND

A. The DISTRICT and the CITY have previously entered the June 16, 1982, Agreement For Sewage Disposal, as amended, for the purpose of establishing areas of the DISTRICT for which the CITY has agreed to provide sewage transmission and treatment services. The service areas described in said Agreement exclude DISTRICT areas west of the I-5 freeway and north of 100th Street S.E., as described in Exhibits A through J attached hereto (except for certain areas adjacent to 35th Avenue).

B. Although the CITY has annexed substantial properties in the excluded area, the boundaries of the DISTRICT still include an area north of 100th Street S.E. to which the

DISTRICT provides water service and to which the DISTRICT has received requests for sewer service.

C. This Agreement addresses CITY assumption of water services west of the I-5 Freeway and certain areas east of the I-5 Freeway and north of 100th Street S.E., referred to as Parcel Nos. 1, 2, 4 and 5 on Exhibit 1 and legally described in Exhibits A, C, G and I. This agreement also addresses the conditions for providing sewer services in the area denoted as Parcel No. 3 on Exhibit 1 and described in Exhibit E.

II. WATER SERVICE

A. The CITY shall immediately assume jurisdiction over all water and service facilities and customers within the DISTRICT's boundaries west of the I-5 Freeway (Parcel Numbers 4 and 5 on Exhibit 1).

B. The DISTRICT shall retain water service facilities and shall continue to provide water service for all property within the DISTRICT's boundaries north of 100th and west of 35th (Parcel Number 3 on Exhibit 1), subject to Section III hereafter.

C. The DISTRICT and CITY agree the property in Parcel No. 1 on Exhibit 1 has been annexed to the CITY in five separate CITY Ordinances between 1964 and 1990 and CITY has continuously served water to all residences in Parcel No. 1 since each respective Annexation and DISTRICT and CITY have always operated respective systems with the understanding that CITY assumed customers and water system upon each Annexation. CITY and DISTRICT herein memorialize these transfers of service for the property within Parcel No. 1 and hereby provide notice to the Snohomish County Department of Elections that all

customers within Parcel No. 1 have been transferred to CITY and are served by CITY.

D. The DISTRICT and CITY agree all residents and all the property in Parcel No. 2 have been served by the CITY since approximately 1965. Snohomish County Department of Election records provide that all residents in Parcel No. 2 are within the service area of DISTRICT, even though CITY has continuously served water to all residences in Parcels No. 2 since the mid-1960s and DISTRICT has never served water to this area. DISTRICT and CITY have always operated respective systems with the understanding that CITY is water purveyor to properties in Parcel No. 2. CITY and DISTRICT herein memorialize this historical fact of service for the property within Parcel No. 2 and hereby provide notice to the Snohomish County Department of Elections that all customers within Parcel No. 2 have been transferred to CITY and are served by CITY.

III. SEWER SERVICE

A. The DISTRICT may deliver to the CITY sewerage and industrial waste from properties located entirely or partially within Parcel No. 3 denoted on Exhibit 1 and described in Exhibit E, and any additional properties in Parcel No. 2 developed concurrently with properties in Parcel No. 3, subject to written approval by the CITY Public Works Director for all sewer connections within said area. Said approval by the CITY shall be based on (1) the long-term cost effectiveness to the CITY of transmission and treatment of sewerage flowing to the CITY from said area; (2) execution by the owners of property applying for sewer service of the Utility Extension Agreement for annexation to the CITY as approved by the CITY Public Works Director; and (3) payment to CITY by the

DISTRICT of a plan review fee of \$500 for each sewer connection charge collected by the DISTRICT for connections within the area served, regardless of its location in either Parcel No. 3 or in the area adjacent to Parcel No. 3 within Parcel No. 2 being developed concurrently as one plat or division.. In addition, the CITY shall have the right to establish the point of connection to the Everett Sewer System and the terms therefor for any property within the area described in Exhibit 1 as Parcel Nos. 2 and 3.

B. Water and sewer customers within the area described in Exhibit E denoted as Parcel 3 and adjacent areas within Parcel 2 in Exhibit 1 shall be considered as customers of the DISTRICT until annexation by the CITY or for a period of five (5) years from the date of connection to the sewer system. Within thirty (30) days after annexation of any property served by DISTRICT in accordance with this amendment, or on the commencement of the sixth (6th) year after the connection of any property within the area subject to these provisions to the CITY sewer system, the DISTRICT shall relinquish such water and sewer customers to the CITY. Upon annexation or relinquishment of water and sewer services to the CITY as provided herein, the CITY shall not be required to pay any pro-rata share of the DISTRICT's bonded indebtedness with regard to said relinquished services. CITY shall take full responsibility for systems and for customer service at that time.

C. DISTRICT shall collect the Water General Facilities Connection Charges per Resolution 503 and sewer connection charges per Resolution No. 455, or as such may be amended in the future, as applicable to new water and sewer services elsewhere in the DISTRICT.

D. Until annexation by the CITY or relinquishment of water and sewer services as provided herein, DISTRICT shall be responsible to maintain all DISTRICT water facilities located in the area described in Exhibit E hereto, and shall be responsible to maintain all sewer facilities in the area described in Exhibit E and any adjacent areas described in C served by DISTRICT in accordance with the terms set forth herein.

E. All other terms and conditions of the June 16, 1982, Agreement between the parties shall remain in full force and effect.

CITY OF EVERETT

By: Edward D. Hansen
Edward D. Hansen, Mayor

ATTEST:

By: Sharon A. Marks
City Clerk

APPROVED AS TO FORM:

By: Mark T. Soine
City Attorney
MARK T. SOINE

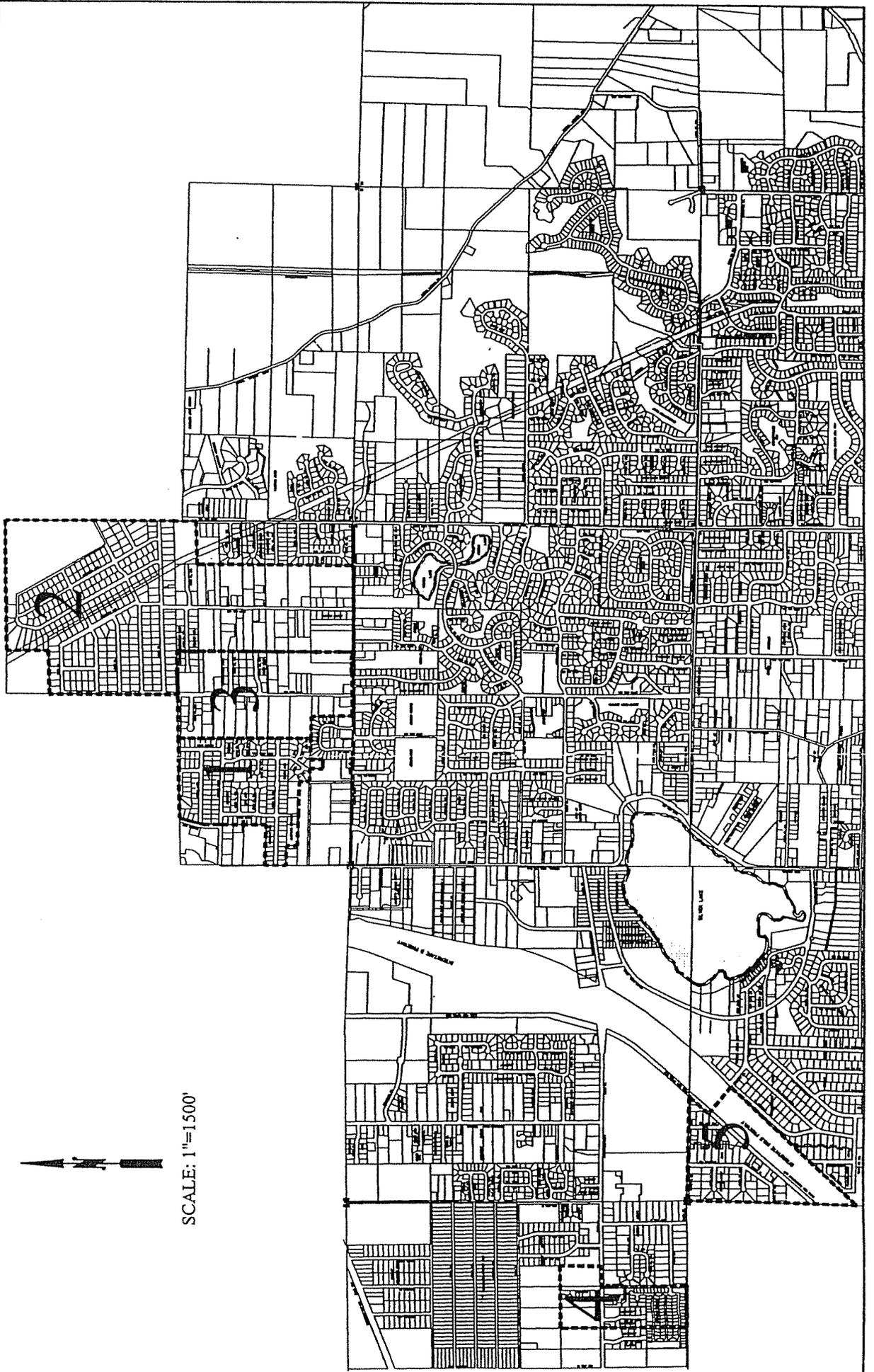
SILVER LAKE WATER DISTRICT

By: Rod Kuppel
its President

By: Roger Sumner
its VICE PRESIDENT

By: Bill Anderson
its Secretary

EXHIBIT 1
PARCEL INDEX MAP



SCALE: 1"=1500'

EXHIBIT A

LEGAL DESCRIPTION OF PARCEL 1

That portion of the SW1/4 of Section 17, Township 28 North, Range 5 East, W.M., situated in Snohomish County, State of Washington, more particularly described as follows:

BEGINNING at the intersection of the East-West centerline of Section 17 and the Easterly margin of Meadow Way; thence East along said centerline to the East line of the W1/2 E1/2 SW1/4 Section 17; thence South along said East line to the SE corner of the NW1/4 SE1/4 SW1/4 Section 17; thence West along the South line of the Plat of Tower Addition Div. 3, filed in Volume 26 of Plats at pages 7 and 8, Records of Snohomish County, to the East line of the W1/2 SW1/4 SE1/4 SW1/4 Section 17; thence South along said East line to the North line of the South 481.43 feet of the E1/2 W1/2 SW1/4 SE1/4 SW1/4 Section 17; thence West along said North line to the East line of the West 30.00 feet of the E1/2 W1/2 SW1/4 SE1/4 SW1/4 Section 17; thence North along said East line to the South line of said Plat of Tower Addition Div. 3; thence West along said South line to the West line of said Plat of Tower Addition Div. 3; thence North along said West line to the North line of South 5 acres of the S1/2 N1/2 SW1/4 SW1/4 of Section 17; thence West along said North line to the East line of the West 50 feet of Lot 1 of the Plat of Saundar Estates, recorded in Volume 39 of Plats, Page 181, Records of Snohomish County; thence North along said East line to the North line of the N1/2 S1/2 N1/2 SW1/4 SW1/4 Section 17; thence West along said North line to intersect the West line of Section 17 at the NW corner of the N1/2 S1/2 N1/2 SW1/4 SW1/4 Section 17; thence North along said West line to the North line of the Plat of Tiemann Addition, recorded in Volume 23 of Plats, Page 22, Records of Snohomish County, projected West to intersect with the West line of Section 17; thence East along said North line to the SW corner of Lot 9 of the Plat of Eastmont Division No. 4, recorded in Volume 29 of Plats, Page 16, Records of Snohomish County; thence North along the West line of said Plat of Eastmont Division No. 4 to the NW corner of Lot 1 of said Plat of Eastmont Division No. 4; thence on a bearing of N0°37'21"E to the South line of the NW1/4 NW1/4 SW1/4 Section 17; thence N0°37'21"E for 187 feet; thence on a curve to the right having a radius of 746.33 feet and consuming an angle of 15°53'39" an arc distance of 207.04 feet; thence on a bearing of N16°31'00"E along the Easterly margin of Meadow Way to the East-West centerline of Section 17, POINT OF BEGINNING.

Information referenced for preparing this legal description:

- Snohomish County Boundary Review Board Approved Legal Description for Silver Lake Water District Fircrest Sewer District Merger (1980)
- City of Everett Ordinance #4014
- City of Everett Ordinance #565-78
- City of Everett Ordinance #576-79
- City of Everett Ordinance #913-82
- City of Everett Ordinance #1702-90

EXHIBIT C
LEGAL DESCRIPTION OF PARCEL 2

That portion of Section 17, Township 28 North, Range 5 East, W.M., situated in Snohomish County, State of Washington, more particularly described as follows:

BEGINNING at the NE corner of said Section 17; thence West along the North line of Section 17, to the NW corner of the NE1/4 NW1/4 NE1/4 Section 17; thence South to the SW corner of said subdivision; thence West to the West line of the NE1/4 Section 17; thence South along said West line to the SW corner of the NE1/4 Section 17; thence East along the East-West centerline of Section 17 to the West line of the E3/4 E1/2 Section 17; thence South along said West line to the North right-of-way line of 100th Street SE; thence East along said North right-of-way line to the East line of the W1/2 E1/2 SE1/4 Section 17; thence North along said East line to the South line of the N1/2 NE1/4 NE1/4 SE1/4 Section 17; thence East along said South line to East line of Section 17; thence North along East line of Section 17 to the NE corner of Section 17, POINT OF BEGINNING.

Information referenced for preparing this legal description:

- Snohomish County Boundary Review Board Approved Legal Description for Silver Lake Water District Fircrest Sewer District Merger (1980)
- Silver Lake Water District Resolution #403A

EXHIBIT E
LEGAL DESCRIPTION OF PARCEL 3

That portion of Section 17, Township 28 North, Range 5 East, W.M., situated in Snohomish County, State of Washington, more particularly described as follows:

BEGINNING at the NW corner of the E1/2 E1/2 SW1/4 of Section 17; thence South along the West line of said subdivision to the SW corner of the NE1/4 SE1/4 SW1/4 Section 17; thence East along the South line of said subdivision to the NW corner of the E1/2 SE1/4 SE1/4 SW1/4 Section 17; thence South along the East line of said subdivision to intersect the North right-of-way line of 100th Street SE; thence East along said North right-of-way line to intersect the East line of the W1/2 W1/2 SE1/4 Section 17; thence North along the East line of said subdivision to the North line of the NW1/4 NW1/4 SE1/4 Section 17; thence West along said North line to the NW corner of the SE1/4 Section 17; thence continuing West along said East-West centerline to the POINT OF BEGINNING.

Information referenced for preparing this legal description:

- Snohomish County Boundary Review Board Approved Legal Description for Silver Lake Water District Fircrest Sewer District Merger (1980)
- City of Everett Ordinance #1444-88

EXHIBIT F PARCEL 3

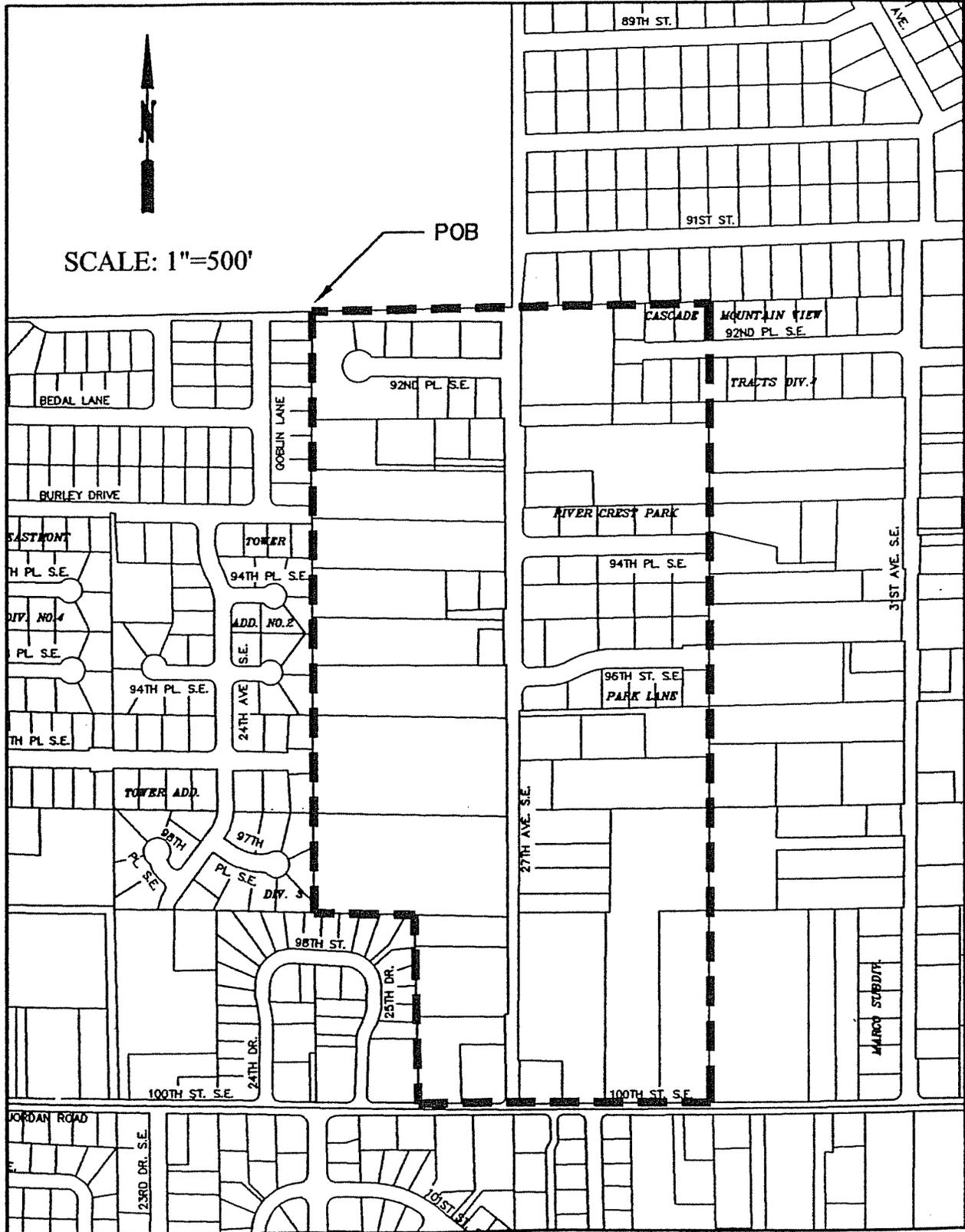


EXHIBIT G

LEGAL DESCRIPTION OF PARCEL 4

That portion of Section 24, Township 28 North, Range 4 East, W.M., situated in Snohomish County, State of Washington, more particularly described as follows:

BEGINNING at the intersection of the South line of said Section 24 and the West margin of Meridian Avenue South, thence North along said West margin to the North margin of 112th Street Southeast; thence East along said North margin to the East line of the W1/2 SW1/4 NE1/4 SE1/4 Section 24; thence North along said East line to the NE corner of the W1/2 SW1/4 NE1/4 SE1/4 Section 24; thence West along the North line of the S1/2 N1/2 SE1/4 Section 24 to the NW corner of the SE1/4 NW1/4 SE1/4 Section 24; thence South along the West line of the E1/2 W1/2 SE1/4 Section 24 to the South line of Section 24; thence East along said South line to the West margin of Meridian Avenue South, POINT OF BEGINNING.

Information referenced for preparing this legal description:

- City of Everett Ordinance #1819-91
- Silver Lake Water District Resolution #58

EXHIBIT H PARCEL 4



SCALE: 1"=500'

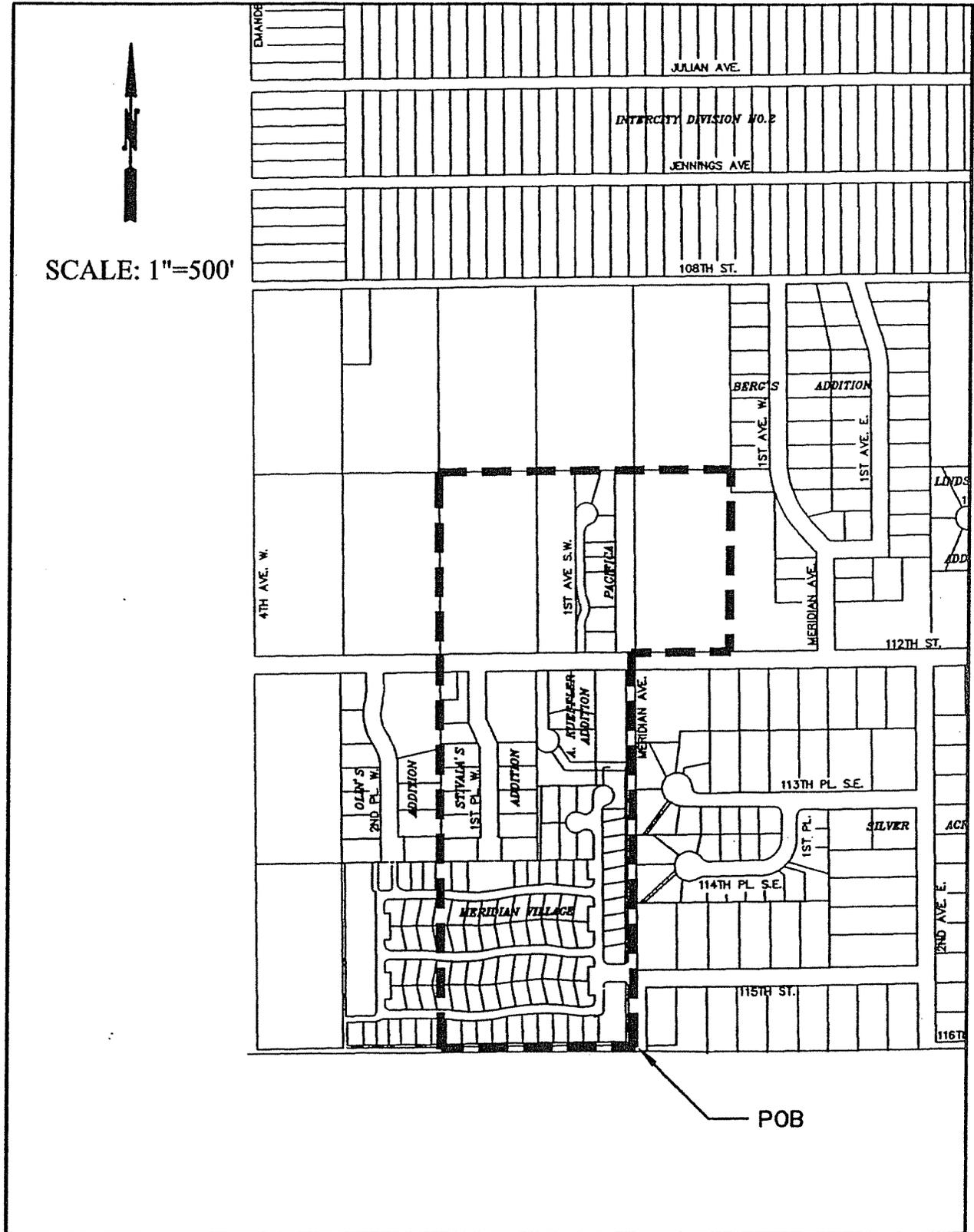


EXHIBIT I

LEGAL DESCRIPTION OF PARCEL 5

That portion of Section 30, Township 28 North, Range 5 East, W.M., situated in Snohomish County, State of Washington, more particularly described as follows:

BEGINNING at the NW corner of said Section 30; thence South along the West line of Section 30 to the Easterly right-of-way line of Interstate No. 5 Freeway, also being approximately at the W1/4 corner of Section 30; thence Northeasterly along said Easterly right-of-way line to intersect the Southerly right-of-way line of Peters Place; thence Northwesterly along the Southerly right-of-way line of Peters Place extended to the Westerly right-of-way line of P.U.D. No. 1 (Puget Sound Power & Light Company right-of-way); thence Northeasterly along the Westerly right-of-way line of P.U.D. No. 1 right-of-way to the North line of Section 30; thence West along the North line of said Section 30 to the NW corner of Section 30, POINT OF BEGINNING.

Information referenced for preparing this legal description:

- Snohomish County Boundary Review Board Approved Legal Description for Silver Lake Water District Fircrest Sewer District Merger (1980)
- City of Everett Ordinance #4318
- City of Everett Ordinance #4342

EXHIBIT J PARCEL 5

