



200201100113

Skagit County Auditor

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**SAMISH WATER DISTRICT**

**COST RECOVERY CONTRACT NO. 01-01**

**THIS AGREEMENT** entered into this 20<sup>th</sup> day of September, 2001 between the **SAMISH WATER DISTRICT**, a municipal corporation, hereinafter called the **DISTRICT** and **THOMAS W. BUGGIA** and **SHEILA ARCHANGEL-BUGGIA**, hereinafter called the **DEVELOPER**.

**WITNESSETH:**

**WHEREAS**, the Developer has installed improvements consisting of a sewer pump station and sewer force main extension, situated as follows:

Lake Samish Road, between Interstate Highway No.5 and Old Highway 99 North Road for T.B. Enterprises, Skagit MM1 LLC and Whatcom Skagit Mini-Storage LLC.

**IT IS MUTUALLY AGREED AS FOLLOWS:**

1. The above-described improvements be conveyed by Bill of Sale to the District and hereafter such facilities shall be owned, maintained and be under the sole jurisdiction of the District. These improvements have been installed pursuant to the plans submitted to and approved by the District.
2. The Developer shall furnish to the District an as-built drawing together with receipted bills showing all charges and expenses incurred in connection with the installation have been paid.
3. The original cost to the Developer of the improvements described is \$112,201.68, of which \$112,201.68 was borne solely by the Developer.
4. That the recoverable fair prorata cost share for the force main extension is hereby established to be \$34,358.64, which equates to \$1,321.48 per Living Unit Equivalent (LUE) late comers fee.

5. The maximum amount recoverable cost under this contract is \$34,358.64.
6. Properties subject to this Recovery Contract are described as follows:
  - a. Any properties connecting to the force main on Lake Samish Road, between Interstate Highway No.5 and Old Highway 99 North Road as shown on attached "Exhibit A, Force Main Service Area" map.
  - b. Legal Descriptions of properties within the Force Main Service Area attached as "Exhibit B".
7. That for a period of fifteen (15) years from the date of this contract, the District agrees to require the owners of the properties described in paragraph 6 hereof to pay the latecomer's fee herein establish as their prorata share of the cost of the original construction, in addition to the District's normal general facilities charges, special charges and a ten percent (10%) administrative fee, prior to issuing a sewer service agreement on said properties.
8. Latecomer's fees received by the District under the terms of this contract shall be paid to the developer, its successors or assigns, if any, within sixty days after the receipt thereof. The Developer shall hereafter provide the District with signed copies of the assignment should the Developer assign collection rights to any other person or persons.
9. Latecomer's fees received by the District under the terms of this Contract will be sent to the following:

Thomas W. Buggia, P.O.Box 6028, Bellingham, WA 98227

SAMISH WATER DISTRICT  
 WHATCOM COUNTY,  
 WASHINGTON

DEVELOPER(S)

BY: Tom W Buggia  
 Thomas W. Buggia

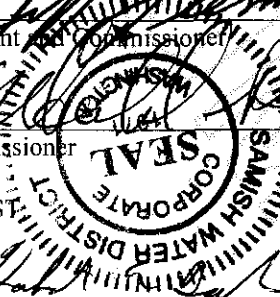
BY: Sheila Archangeli-Buggia POA  
 Sheila Archangeli-Buggia

BY: [Signature]  
 President and Commissioner

BY: [Signature]  
 Commissioner

ATTEST: [Signature]

BY: [Signature]  
 Secretary and Commissioner



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STATE OF WASHINGTON, }  
County of \_\_\_\_\_ } ss.

ACKNOWLEDGMENT - Attorney in Fact

On this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, before me personally appeared \_\_\_\_\_ to me known to be the individual who executed the foregoing instrument as Attorney in Fact for \_\_\_\_\_ and acknowledged that (he/she) signed the same as (his/her) free and voluntary act and deed as Attorney in Fact for said principal for the uses and purposes therein mentioned, and on oath stated that the Power of Attorney authorizing the execution of this instrument has not been revoked and that said principal is now living and is not insane.

GIVEN under my hand and official seal the day and year last above written.

\_\_\_\_\_  
Notary Public in and for the State of Washington,  
residing at \_\_\_\_\_

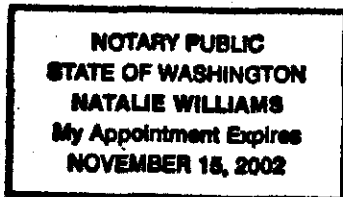
My appointment expires \_\_\_\_\_

STATE OF WASHINGTON, }  
County of Whatcom } ss.

ACKNOWLEDGMENT - Self & Attorney in Fact

On this 20th day of September, 2001, before me personally appeared Tom Buggia to me known to be the individual described in and who executed the foregoing instrument for him self and as Attorney in Fact for Sheila Buggia and acknowledged that he signed and sealed the same as his free and voluntary act and deed for him self and also as the free and voluntary act and deed as Attorney in Fact for said principal for the uses and purposes therein mentioned, and on oath stated that the Power of Attorney authorizing the execution of this instrument has not been revoked and that the said principal is now living, and is not incompetent.

GIVEN under my hand and official seal the day and year last above written.



Natalie Williams  
\_\_\_\_\_  
Notary Public in and for the State of Washington,  
residing at Ferndale

My appointment expires 11.15.02

WA-46B (11/96)

This jurat is page 3 of 3 and is attached to Cost Recovery Contract 9.20.01



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STATE OF \_\_\_\_\_ )  
 ) SS.  
COUNTY OF \_\_\_\_\_ )

I, the undersigned, a notary public in and for the State of \_\_\_\_\_, do hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_ 2001, personally appeared before me THOMAS W. BUGGIA, to me known to be the individuals described herein and who executed the foregoing instrument, and acknowledged that he signed and sealed the same as his free and voluntary act and deed, for the purposes therein mentioned.

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_, residing at \_\_\_\_\_

My commission expires \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) SS.  
COUNTY OF \_\_\_\_\_ )

I, the undersigned, a notary public in and for the State of \_\_\_\_\_, do hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_ 2001, personally appeared before me SHELIA ARCHANGELI-BUGGIA, to me known to be the individuals described herein and who executed the foregoing instrument, and acknowledged that she signed and sealed the same as her free and voluntary act and deed, for the purposes therein mentioned.

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_, residing at \_\_\_\_\_

My commission expires \_\_\_\_\_

STATE OF WASHINGTON )  
 ) SS.  
COUNTY OF WHATCOM )

I, the undersigned, a notary public in and for the State of Washington, do hereby certify that on this 13<sup>th</sup> day of December 2001 personally appeared before me Jeffrey R. Feemster, to me known to be Commissioner of the Samish Water District Commission, the municipal corporation that executed the foregoing instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.



Vicki S. Kelln  
Notary Public in and for the State of Washington, residing at Bellingham.

My Commission Expires 4-21-05



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STATE OF WASHINGTON )  
 ) SS.  
COUNTY OF WHATCOM )

I, the undersigned, a notary public in and for the State of Washington, do hereby certify that on this 13<sup>th</sup> day of December 2001 personally appeared before me Herbert A. Barker, to me known to be Commissioner of the Samish Water District Commission, the municipal corporation that executed the foregoing instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

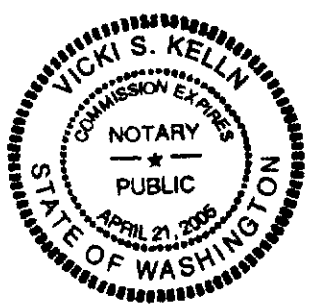


Vicki S. Kelln  
Notary Public in and for the State of Washington, residing at Bellingham.

My Commission Expires 4-21-05

STATE OF WASHINGTON )  
 ) SS.  
COUNTY OF WHATCOM )

I, the undersigned, a notary public in and for the State of Washington, do hereby certify that on this 13<sup>th</sup> day of December 2001 personally appeared before me Michael F. Roberts, to me known to be Commissioner of the Samish Water District Commission, the municipal corporation that executed the foregoing instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.



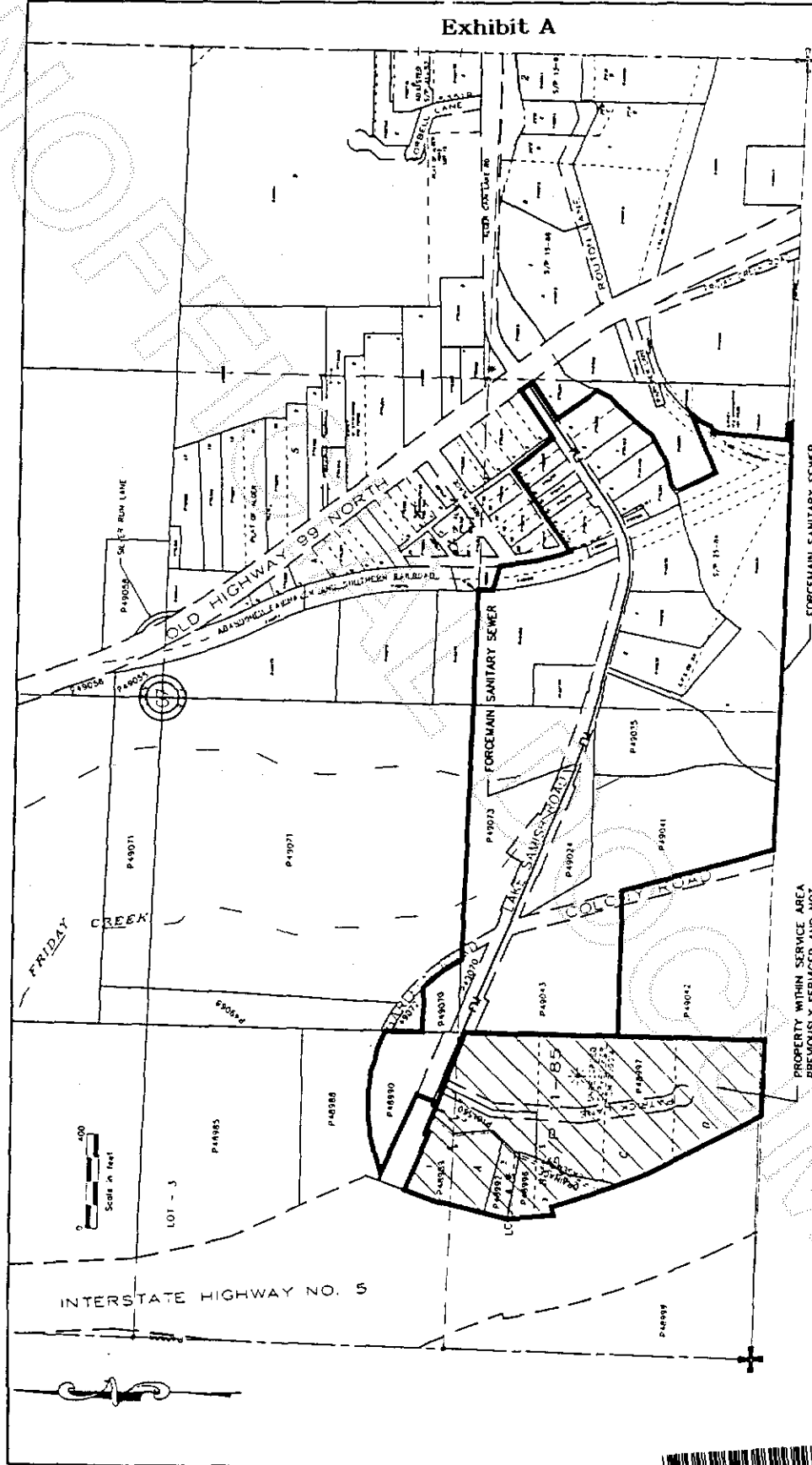
Vicki S. Kelln  
Notary Public in and for the State of Washington, residing at Bellingham.


My Commission Expires 4-21-05



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Exhibit A



DATE	3-19-01
JOB / DWG	4075 / 073604
SCALE	H: 1"=400 v: N/A
SHEET	1 of 1
FORCEMAIN SERVICE AREA SKAGIT COUNTY	
 REICHARDT & EBE ENGINEERING, INC. CONSULTING ENGINEERS 423 Front St., Suite 201 PO Box 978 Lynden, Washington 98264 Phone 354-3687 Fax 354-0407	

PROPERTY WITHIN SERVICE AREA  
PREVIOUSLY SERVICED AND NOT  
INCLUDED IN COST RECOVERY AGREEMENT

D. BY  
BY  
BY  
BY



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Skagit County Auditor

**Resolution No. 03-01**

**A RESOLUTION** of the Board of Commissioners of Samish Water District, Whatcom County, Washington, authorizing the execution of a Cost Recovery Agreement.

**WHEREAS**, this Board of Commissioners has had presented to it a Cost Recovery Agreement between Samish Water District and Thomas W. Buggia and Sheila Archangeli-Buggia, pertaining to the property legally described in the Cost Recovery Agreement 01-01 attached hereto which by this reference is incorporated herein as though set forth in full; and

**WHEREAS**, said Cost Recovery Agreement is in the form required by the District and has been executed by the owners of the property herein described; and

**WHEREAS**, the responsible official for the District, has determined that the execution of this agreement does not constitute a major action under the State Environmental Policy Act, and further that sewer construction relating hereto would be categorically exempt under WAC 197-10-170(24)(b);

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of Samish Water District, Whatcom County, Washington, that the Cost Recovery Agreement as between the District and the above-described parties be and it hereby is approved and the appropriate officers of the Board of Commissioners be and they hereby are authorized to execute said Agreement on behalf of the District and the District's representative is directed to record said Agreement with the Skagit County Auditor upon payment of the payments due thereunder.

**ADOPTED** by the Board of Commissioners of Samish Water District, Whatcom County, Washington, at a regular meeting thereof this 13 day of December, 2001.

By: [Signature]  
Commissioner

By: [Signature]  
Commissioner

**ATTEST:**

BY [Signature]  
Secretary and Commissioner



**APPROVED IN FORM:**

BY [Signature]  
District Attorney



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Attachment "B"

<u>Tax #</u>	<u>Parcel #</u>	<u>Property Description</u>
P101402	4042-001-005-0005	ALGER BLK 1 LOT 5
P106199	360407-4-007-0100	INC M/H SKYLINE/OAKMANOR 91 40X24 #06910623DAB; THE SOUTH 210 FEET(AS MEASURED ALONG THE WEST LINE THEREOF) OF THE WEST 180 FEET (AS MEASURED AT RIGHT ANGLES TO THE WEST LINE THEREOF) OF THE FOLLOWING TRACT; THAT PORTION OF THE SW1/4 SE1/4 OF SEC 7, TWP 36, RNG 4 LYING NORTH OF THE COUNTY ROAD AND WEST OF THE RAILWAY RIGHT OF WAY, EXCEPT THAT PORTION, IF ANY, DEED TO SKAGIT COUNTY FOR ROAD PURPOSES RECORDED UNDER AUDITOR FILE NOS. 656213 AND 669166 AND EXCEPT THAT PORTION IF ANY LYING WITH A TRACT CONVEYED TO JAME & ROBIN TAITANO RECORDED UNDER AF#8904190010
P48990	360407-0-007-0000	S1/2 T 3 E OF US 99 N OF LK SAMISH RD & S OF OLD SAMISH RD & S1/2 VACRD ADJ
P49023	360407-0-018-0015	1 AC TR & HOUSE IN BAT SE C OF SE1/4 SW1/4 TH N ALG C/L SD 833.33FT TH W TO W LI FRI CRK TH SLY ALG W LI SD CRK TO S LI SD SEC TH E TPB TGW PTN SW1/4 SE1/4 LY SLY ALGER LK SAMISH RD & WLY C/L CO RD NOW VAC COMMNLY KN AS OLD COLONY RD LESS RD LESS RT#0-018-01-02
P49024	360407-0-018-0106	TH PTN SE1/4 SW1/4 LYG BETW SLY R/W LI ALGER-LK SAMISH RD & NLY R/W LI VAC PTN FORMER ALGER-LK SAMISH RD
P49025	360407-0-018-0205	BAT SE C OF SE1/4 SW1/4 TH N ALG C/L SO SEC 833.3FT TH W TO W LI FRI CRK TH SLY ALG W LI SD CRK TO S LI SD SEC TH E TPB TGW PTN SW1/4 SE1/4 LY SLY ALGER LK SAMISH RD & WLY CA CO RD NOW VAC COMMNLY KN AS OLD COLONY RD LESS RD LESS R#0-018-01 LESS 1AC TR & HOUSE
P49026	360407-0-019-0105	PTN SW1/4 SE1/4 DAF BAAP ON W LI OF PLAT OF ALGER & S LI OF CO RD EXTG WLY FR ALGER PL IN SO PLAT SO PT BEING ON E LI OF ABND F & S RLY R/W AT PT TH IS N 19- 31-23 W 6.10FT FR NW C OF LT 6 IN UNNUMBERED BLK IN SO PLAT WH LIES S OF ALGER PL THIN TH WLY ALG S LI OF SO RD 270FT TH S TO C/L OF SILVER CRK TH ELY ALG SO C/L TO W LI OF PLAT OF ALGER TH N 19-31-23 W ALG SO WLI TPOB
P49031	360407-0-019-0246	ACREAGE ACCOUNT, ACRES 11.40; TRACT 3 SHORT PLAT 250-84 RECORDED AF#9406180069. EXCEPT THAT PORTION OF TRACT 3 OF SHORT PLAT 25-84, DESCRIBED AS FOLLOWS: THAT PORTION OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 7, TOWNSHIP 36 NORTH, RANGE 4 EAST, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THAT CERTAIN TRACT CONVEYED TO FIRE PROTECTION DISTRICT NO. 14 OF SKAGIT COUNTY BY DEED FILED IN AF#591233 AS SHOWN ON THAT CERTAIN SURVEY FILED IN VOLUME 1 OF SURVEYS PAGE 76 RECORDS OF SKAGIT COUNTY, WASHINGTON; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 480.62 FEET, WHICH IS THE CONTINUATION OF THE NORTHERLY CURVED LINE OF SAID TRACT, THROUGH A CENTRAL ANGLE OF 12 DEGREES 07' 11" AND AN ARC DISTANCE OF 101.77 FEET; THENCE SOUTH 65 DEGREES 52' 06" WEST, A DISTANCE OF 26.00 FEET; THENCE SOUTH 2 DEGREES 43' 16" WEST, A DISTANCE OF 316.90 FEET TO THE INTERSECTION OF THE CENTERLINE OF THE OLD F & S RAILROAD AS SHOWN ON SAID SURVEY WITH THE NORTH LINE OF THE SOUTH 20 FEET OF SAID SECTION 7; THENCE SOUTH 87 DEGREES 42' 53" EAST ALONG THE NORTH LINE OF SAID SOUTH 20 FEET. A DISTANCE OF



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229.25 FEET TO THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 7; THENCE NORTH 00 DEGREES 39' 00" WEST ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, A DISTANCE OF 425.47 FEET TO THE SOUTHEAST CORNER OF SAID FIRE PROTECTION DISTRICT TRACT; THENCE SOUTH 89 DEGREES 37' 52" WEST, A DISTANCE OF 135.20 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

P49035 360407-0-019-0402 PTN SW 1/4 AKA TR 2 S/P#25-84 AF#8406180069 INC M/H ORFL2AD35482303 BERKSHIRE 56X24

P49036 360407-0-019-0501 PTN SW 1/4 SE 1/4 AKA TR 1 S/P25-84 AF#8406180069

P49041 360407-0-021-0002 INC M/H 98 LIBERTY 44X28 S/N 09L32376XU SE1/4 SW1/4 W OF FRIDAY CREEK LESS RDS & PORTION N OF NEW ALGER LAKE SAMISH RD & A PORTION WEST OF NEW COLONY RD.

P49043 360407-0-023-0000 NI/2 SE1/4 SW1/4 WLY NEW COLONY RD & S ALGER SAMISH LK RD.

P49070 360407-3-001-0000 THE SOUTH 150 FEET OF THAT PORTION OF THE NE1/4 SW1/4 OF SEC 7, TWP 36, RNG 4 LYING SOUTHERLY OF THE OLD COUNTY ROAD FROM LAKE SAMISH TO ALGER; EXCEPT THAT PORTION THEREOF CONVEYED TO SKAGIT COUNTY FOR ROAD RECORDED UNDER AF#644120 AND AF#645185; TOGETHER WITH THAT PORTION OF THE SE1/4 SW1/4 OF SEC 7, TWP 36, RNG 4 LYING NORTHERLY OF THE NEW ALGER-LAKE SAMISH ROAD, SAID ROAD CONVEYED UNDER AF#644119 AND AF#725183 AND LYING WESTERLY OF THE OLD ALGER-LAKE SAMISH ROAD AS SAID ROAD EXISTED ON 12-10-63; EXCEPT THAT PORTION THEREOF, IF ANY, LYING EASTERLY OF FRIDAY CREEK

P49073 360407-3-004-0007 THAT PORTION OF THE NORTH 333.6 FEET OF THE SE1/4 SW1/4 LYING EAST OF THE LOGGING ROAD SPUR AND NORTHERLY OF THE ALGER-LAKE SAMISH COUNTY ROAD RIGHT OF WAY WITHIN SEC 7, TWP 36, RNG 4; EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY DEED TO SKAGIT COUNTY FOR ROAD PURPOSES RECORDED UNDER AUDITOR FILE NOS. 656213 AND 669766

P49080 360407-4-007-0002 SW1/4 SE1/4 N OF CO RD & W OF RLY RW LESS STRIP TO CO EXC S 210FT OF W 180FT THOF

P49083 360407-4-008-0027 TH PTN ABND GN RR LY WLY OF PLAT OF ALGER IN SW 1/4 SE 1/4 LY N OF CTY RD EXC S 145FT OF E 50FT THEROF & LY SLY OF FDL COM AT SW COR LT 10 BLK 3 PLAT OF ALGER TH S 51-14-00 W ALG A PROJECTION OF SLY LI OF LT 10 25.50FT M/L TO ELY R/W MGN OG ABDN GN RR TH N 0-14-00 E ALG SD R/W 1.34FT TO POB TH N 73-99-30 W 103.75FT TO WLY R/W MGN OG SD RR & TERMINAL PT OF SD LI EXC ANY PTN TO CITY FOR ROAD AF#656213 & AF#669766 INC M/H 06910298ZAB

P49085 360407-4-009-0000 S 145FT OF E 50FT OF ABND GN R/W THRU S WIA SE1/4 N OF CO RD

P70362 4042-001-003-0007 ALGER LOTS 2 & 3 BLK 1

P70363 4042-001-004-0006 ALGER LOT 4 BLK 1

P70364 4042-001-006-0004 (TITLE ELIMINATION) INCLUDING MANUFACTURED HOME 1986 SKYLINE OAKSPRINGS 66X28 SERIAL NUMBER 32910664V ALGER BLOCK 1 LOT 6 EXCEPT FROM SAID LOT 6 THE NORTH 95FEET OF THE WEST 50 F



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ANGLES TO THE SOUTHERLY RIGHT-OF-WAY LINE OF ALGER PLACE AND ALSO EXCEPT FROM SAID LOT 6 THAT PORTION THEREOF DEFINED AS FOLLOWS THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF ALGER PLACE AND THE EASTERLY LINE OF THE WEST 50 FEET OF LOT 6 BLOCK 1 PLAT OF ALGER THENCE EASTERLY ALONG SOUTHERLY RIGHT-OF-WAY LINE OF ALGER PLACE 10 FEET THENCE SOUTHERLY PARALLEL WITH THE EAST LINE OF SAID LOT 6 95 FEET THENCE WESTERLY 50 FEET MORE OR LESS TO THE EAST LINE OF THE WEST 50 FEET OF SAID LOT 6 THENCE NORTHERLY ALONG THE EAST LINE OF THE SAID WEST 50 FEET TO POINT OF BEGINNING

P70366 4042-001-006-0202 ALGER N 95FT OF W 50FT OF 6 BLK 1

P70367 4042-001-006-0301 ALGER LOT 6 BLK 1 TAX 1 TR OF LAND IN LOT 6 BLK 1 LYING ADJ TO THE S'LY R/W LI OF ALGER PLACE & THE E'LY LI OF W 501 OF SD LOT 6 MORE PARTICULARLY DESC AS BEG AT THE INTERS OF THE S'LY R/W LI OF ALGER PLACE & THE E'LY LI OF THE W 50' OF LOT 6 BLK 1 ALGER THE E'LY ALG THE S'LY R/W LI OF ALGER PLACE 10.0' TH S'LY PARL WITH THE E LI OF SD LOT 6 95.0' TH W'LY 50.0' M/L TO THE E LI OF THE W 50' OF SD LOT 6 TH N'LY ALG THE E LI OF SD W 50FT TO THE POB BUS BARN

P70370 4042-002-008-0000 LOTS 7 & 8 BLK 2

P70371 4042-002-009-0009 ALGER LOT 9 BLK 2

P70372 4042-002-010-0006 ALGER LOT 10 BLK 2 INC M/H 1077

P70373 4042-002-011-0005 ALGER LOT 11 BLK 2

P70375 4042-002-014-0010 ALGER LOTS 12 13 & 14 BLK 2



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