

RESOLUTION NO. 2713

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN
AMENDED WATER FACILITY DEVELOPMENT CONTRACT
(LATECOMER REIMBURSEMENT) AGREEMENT BETWEEN
THE CITY OF SELAH AND GOODLANDER HOLDINGS, LLC
(NCW DEVELOPMENT, LLC)**

WHEREAS, NCW Development, LLC (developer) installed water facilities to serve the final plat titled “Valhalla Heights” in accordance with their approved engineering plans; and

WHEREAS, the developer requested that the City of Selah implement a Latecomer Agreement to partially recoup the cost of the installation of the water facilities following plat approval; and

WHEREAS, the City of Selah and NCW Development, LLC entered into a Water System Reimbursement Agreement (Latecomer Reimbursement Agreement) to serve the plat of “Valhalla Heights” in December 22, 2009; and

WHEREAS, said agreement provided for partial reimbursement of the “Valhalla Heights” water system improvements less the costs of the Zone 6; and

WHEREAS, the City of Selah and NCW Development, LLC amended the Latecomer Agreement in July 27, 2017, extending the term of the agreement to 20 years in accordance with state law; and

WHEREAS, the 2009 agreement also provided that the water system improvement costs for Zone 6 are intended to be reimbursed pursuant to an amendment to the Valhalla Heights Water System Reimbursement Agreement or later reimbursement agreement; and

WHEREAS, NCW Development, LLC has completed the water system for Zone 6 and has requested amendment of the reimbursement agreement for Zone 6 improvements on December 3, 2018, which total \$1,100,838.44 or \$15,037.54 per Equivalent Residential Unit; and

WHEREAS, in accordance with RCW 35.91 the property owners within the benefit area shown in Exhibit “A” and legally described in Exhibit “C” of the attached amended “Latecomer Agreement” where sent a certified letter on December 21, 2018, providing the subject property owners the right to request a public hearing; and

WHEREAS, no requests for public hearing were received from the notified property owners, the amended Latecomer Agreement may now be considered by the city council without a public hearing; now, therefore,

BE IT HEREBY RESOLVED that the City Council of the City of Selah, Washington approves the amended Latecomer Reimbursement agreement for the installation of water facilities within the "Valhalla Heights Subdivision" "Zone 6" for NCW Development, LLC, and the Mayor is hereby authorized to sign the aforementioned agreement.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH,
WASHINGTON this 22nd day of January 2019.



Sherry Raymond, Mayor

ATTEST:



Dale E. Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:



Robert Noe, City Attorney

Resolution No. 2713