

RESOLUTION 50-95

RUSTLEWOOD WATER & SEWAGE SYSTEM

A RESOLUTION OF THE MASON COUNTY BOARD OF COMMISSIONERS PROVIDING A REPAYMENT FEE AND SCHEDULE FOR PAST USAGE OF MONIES COLLECTED FROM THE PROPERTY OWNERS AT HARTSTENE POINTE AND USED AT RUSTLEWOOD.

WHEREAS, Resolution No. 1106 was adopted on January 7th, 1980 creating a fund to be called the "Combined Sewer and Water Fund" and to transfer all monies in the Beards Cove Water Fund, Rustlewood Sewer and Water Fund and the Hartstene Sewer and Water Fund to the Combined Sewer and Water Fund after all outstanding warrants have been paid from the three funds; and,

WHEREAS, the Mason County Department of Public Works was charged with the accounting of all receipts and expenditures and to keep subsidiary accounts for each and every sewer and water function as now exists or may be added in the future, all in accordance with directives of the State Auditor; and,

WHEREAS, in December, 1992, the Hartstene Pointe Homeowners Association contacted Mason County and expressed their concern for the use of their monies in financing projects at Rustlewood for which they were not reimbursed; and,

WHEREAS, the Mason County Board of Commissioners has sole legal authority to manage the CS\$W Fund; and,

WHEREAS, the funds collected from each group of ratepayers can only be used for the benefit of that group of ratepayers; and,

WHEREAS, a review of revenues and expenditures of the Combined Sewer and Water Fund for a period beginning January 1, 1984 and continuing through July 31, 1994 has been conducted; and,

WHEREAS, the review shows that Rustlewood property owners do have a financial obligation to the Hartstene Pointe property owners in the amount of \$113,557.00; and

WHEREAS, the Board of County Commissioners have directed the Department of Community Development to develop the monthly fee whereby repayment would occur over a maximum five year period which would start within 90 days from the date this resolution is formally adopted by the Board. Repayment begins on September 1, 1995.

BE IT HEREBY RESOLVED that a fee of \$11.33 per month is established for each property owner in Rustlewood. Said funds to be paid monthly in addition to the existing Rustlewood Water and

Sewer System rates established in Resolution No. 113-92. The Board also agrees that the property owners in Rustlewood have the option for making a cash payoff before the five year period concludes. The following shows the applicable breakdown:

YEAR	PRINCIPAL /NO INTEREST	LOTS	AMOUNT	MONTHS	MONTHLY FEE
5 YRS.	\$113,557	167	\$679.98	60	\$11.33

BE IT FURTHER RESOLVED that it is the responsibility of each Rustlewood property owner to submit monthly his/her payment as part of his/her monthly sewer and water payment. All delinquent charges shall be a lien against the property owner. Delinquent charges shall be certified to the County Treasurer whenever said charges have been delinquent for a period of 60 days and a lien may be filed by the County. Upon the expiration of 60 days after the attachment of the lien, the County may bring suit in foreclosure by civil action in the Superior Court of Mason County. In addition to the costs and disbursements provided by statute, the court may allow the County reasonable costs and attorney's fees. The lien shall be foreclosed in the manner as the foreclosure of real property tax liens, RCW 36.94.150.

ADOPTED by the Mason County Board of Commissioners this 16 day of May, 1995.

APPROVED AS TO FORM:

John P. Pugh CHIEF DPA  
Prosecuting Attorney

ATTEST:

Rebecca S. Rogers  
Clerk of the Board

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

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(debt)