

WEST SOUND UTILITY DISTRICT

Board of Commissioners
Board Meeting

October 18, 2023
1:00 PM

Please direct your smart device or computer to www.wsud.us/meetings for information on virtual attendance.

AGENDA

PUBLIC COMMENTS

CONSENT AGENDA

1. Approval of the Regular Board Meeting Minutes of October 4, 2023
2. Approval of Vouchers WSUD #31747 through #31784 in the amount of \$100,086.75
3. Approval of Vouchers SKWRF #17670 through #17696 in the amount of \$72,886.99
4. October Payroll in the amount of \$206,048.29

BOARD DISCUSSION/ACTION ITEM

1. Resolution 1104-23, Authorizing Change Order, Well 22 Project
2. Resolution 1105-23, DEC Acceptance, Overlook Apartments Phase 2

STAFF REPORTS

1. Plant Manager
2. Operations Manager
3. Finance Manager
4. General Manager

COMMISSIONERS' REPORTS

EXECUTIVE SESSION

Executive Sessions may be scheduled or announced for discussions per RCW 42.30.110.

FUTURE MEETINGS

October 25	Special Meeting, Work Session for the 2024 District Budgets (10:00 am)
November 1	Regular Board Meeting
November 1	SAC Meeting, Second Review, SKWRF Budget (WSUD Offices)
November 15	Regular Board Meeting

Executive Sessions may be scheduled as needed for personnel, legal and other similar matters.

The Board may add and take action on other items not listed on the agenda

WEST SOUND UTILITY DISTRICT
Minutes of Special Meeting of the Board of Commissioners
2924 SE Lund Avenue, Port Orchard, WA 98366
Wednesday, October 4, 2023, at 10:00 a.m.

Chairperson: Susan Way (Virtual)
Vice Chairperson: James J. Hart
Commissioner: Jerry Lundberg

Attending: Randy Screws, General Manager
John Tapia, Operation Manager
Marty Grabill, Plant Manager
Debbie Raymond, Senior Customer Service Representative
Ken Bagwell, Attorney
Amber Brooks, Accounting/Office Assistant
Doug Rowe, Everbridge Demonstration
Ted McEldowney, Everbridge Demonstration

The meeting was called to order by Commissioner Hart at 10:00 a.m.

PUBLIC COMMENTS

CONSENT AGENDA

1. Approval of the Regular Board Meeting Minutes of September 13, 2023
2. Approval of Vouchers WSUD #31710 through #31746 in the amount of \$145,514.19
3. Approval of Vouchers SKWRF #17650 through #17669 in the amount of \$31,114.87
4. Approval of the September Payroll in the amount of \$205,536.24

Commissioner Hart moved to approve the items in the Consent Agenda. The motion was seconded by Commissioner Lundberg; the motion was approved 3-0.

BOARD DISCUSSION/ACTION ITEM

Demonstration, Everbridge, Alert Notification Systems

Doug Rowe and Ted McEldowney with Everbridge provided a virtual demonstration regarding the alert notification system.

Discussion, Cross Connection Control Management Service Fees

GM Randy Screws discussed the end-of-life scenario of our current Cross Connection Control Software. With the use of new vendor software as a service comes a cost per customer for Backflow Assembly Tester (BAT) reporting. GM Screws asked the Board if they had any reservations of having those charges passed directly on to the customer who have devices tested pay this cost directly at the time of testing, as not all ratepayers have backflow assemblies.

GM Screws also mentioned that he would investigate going out for a bid for residential testing services to try to reduce customer costs.

Introduction of the 2024 SKWRF Budget

GM Screws went over that the numbers have changed a small amount and will discuss more in the future.

Resolution 1102-23, DEC, Sewer Extension, SE Crawford Road
Passed 3-0

Resolution 1103-23, DEC Acceptance, Housing Kitsap, Riverstone Plat
Passed 3-0

STAFF REPORTS

PLANT MANAGER'S REPORT

Plant Manager Marty Grabill reported:

- Testing and monitoring as required by the NPDES Permit.
- NPDES Permit renewal has been accepted, and renewal is in process.
- Load bank project: Awaiting equipment delivery, expected ship date 11/17/23. No further updates.
- Waste Management completed leachate discharge to the treatment plant. We are still awaiting driver logs to bill from.
- We have an asphalt project currently ongoing. The project's beginning date was Tuesday, 10/3. Contractors are repairing the front entrance to the SKWRF as well as adding a catch basin over by our waste gas flare to prevent stormwater runoff. Most of the job was completed yesterday.
- Leadership Kitsap collaboration ongoing.

P.S.E. Conservation Grant Agreement (2021-2023)

- Continuous work with P.S.E. on the Conservation Grant Agreement. Year 3 of 3.
- Monthly teams' meetings are ongoing.

Rotary Drum Thickener-ESCO (2022)

- Awaiting punch list completion, as-builts, and polymer pump for full close out.
- Looking into November for the full completion and closeout.

Nutrient General Permit (2022)

- Ongoing testing and documentation.
- Still awaiting a decision on in-house accreditation from D.O.E. Submitted all documentation to Ecology on Thursday, June 15th. No further updates.
- Emailed Ecology, Friday 9/29 for updates. No reply.

OPERATIONS MANAGER'S REPORT

Operation Manager John Tapia reported:

CIP - South Park Main Replacement

- Locate and survey completed for the site.
- WSE is working on the recommended easement.

Powell Booster Station Engineering

- 100% of the plans are completed.

Fircrest/Mile Hill Main Replacement

- 2" galvanized to be replaced.
- Possible development going in.

Olney Sewer Replacement

- An engineering contract has been signed with WSE.
- Had a meeting with WSE and talked about things we found in the specs.

Crew:

1. St. Vincent DePaul project: City contacted about the permit. Reached out to Caseco for time update. Says were on his schedule.
2. Well 22 has been lowered and rehab is now complete. Waiting for a new converter part for the transducer. Keller America had sent the wrong one.
3. Waiting on the 4 new chemical shelters to keep our hypo away from our electrical panels in the well site buildings.
4. Commercial and residential meter replacement project continues.
5. WSDOT franchise permit continues. Sent updated information yesterday for review.
6. The homeless camp is still on the upper hill at the Karcher well site.
7. Old Vac truck and TV Van went to bid on the 25th. Vactor sold for \$62,500 to the sole bidder Pat Hall construction. TV Van did not sell so we are looking at other options.
8. The cables that were cut/stolen off our pumps have been replaced with new ones by Whitney Equipment. This keeps the warranty intact.
9. Continue to work on 2024 Capital projects for water and sewer.
10. Water distribution pumped 56,369,000 gallons of water in September. 1.8 million gallons per day average.
11. Carport installation for district equipment cover has been canceled at this time.
12. The fence at Fred Meyer lift station has begun construction.

Water Production: Through September

- 2022- 416,660,000
- 2023- 508,029,000
- 1.87-million-day avg.
- 56,369,000 in September

Rain Gauge:

- 2022- 28.20
- 2023- 31.74

Difference- 3.54” LESS than last year

FINANCE MANAGER’S REPORT

Finance Manager Joy Ramsdell reported:

- Billed consumption was 73 million gallons, about 10% decrease September 2022.
- Sep billed revenues – Sewer \$471K, 5% decrease from Sep 2022, add 7 ERU; Water \$523K, 2% down, add 5 ERU.
- 1,997 paid online, 1,734 autopay. 40 accounts had final billing.
- All 3rd quarter reports need to be filed; an unclaimed properties report is also due.
- DRS starts Roth DCP option this month. Employees can make a choice to contribute to Roth DCP. Please let Finance know if you have any questions.

GENERAL MANAGER’S REPORT

General Manager Randy Screws reported:

- Staff continue to assess installation scenarios for the proposed carport-type area for District vehicles.
- Staff continue working on the re-establishment of a franchise agreement with WSDOT for water utilities.
- Work on the gravity sewer from the Annapolis lift station to eliminate the overflow connection to the City’s sewer system continues. Project is now in moving in the direction of design phase.
- Work continues to address the need to relocate infrastructure for the Highway 166 Fish Barriers Project. Awaiting more information from WSDOT as to the proposed plan.
- The PWB Loan applications and award (Powell Booster Pump Station for 2.85 million and the Lund Avenue Main Relocation for 1.3 million) that were conditionally approved are in the process of undergoing preliminary cultural review and preparation of underwriting.

The financial health of the community for the two WSUD awards are in distressed areas, and I assume during underwriting that the district will be provided a 1.38% interest rate for the two projects over a 20-year period. The Public Works Board (PWB) recently updated its Hardship Policy with new methodology and expanded opportunities for communities to receive partial grants for Construction and Pre-construction projects. Communities that meet “Distressed” criteria are eligible for up to 25% with a \$1 million cap of a Construction award as grant funding. Communities that meet severely distressed criteria are given first priority for partial grant funding and then distressed areas. All grant funding is subject to funding availability and at the discretion of the PWB. We should consider that grant funding will not be awarded but if so, it is a plus for the district and its ratepayers.

I have discussed in detail provided applications that did not receive awards with the PWB and gleaned information to increase the scoring of future project applications. We will reapply during the next PWB cycle for funding.

COMMISSIONERS' REPORTS

Commissioner Hart reported that he attended the WASWD Conference and went in the back at WSUD with the crew and looked at the Vactor truck. Commissioner Lundberg wants to have a meeting in November with GM Screws and the commissioners to go over the loans. Commissioner Way had nothing to report.

EXECUTIVE SESSION

No executive session requested.

ADJOURN

Commissioner Hart moved to adjourn the meeting at 2:30 p.m. Motion was seconded by Commissioner Lundberg; the motion was approved 3-0.

Susan Way
Chairperson

James Jay Hart
Vice-Chairperson

Jerry Lundberg
Secretary

**WEST SOUND UTILITY DISTRICT
RESOLUTION 1104-23**

**A RESOLUTION OF THE WEST SOUND UTILITY DISTRICT
BOARD OF COMMISSIONERS
AUTHORIZING THE GENERAL MANAGER TO
EXECUTE A CHANGE ORDER FOR THE
WELL 22 REHABILITATION, PUMP, MOTOR REPLACEMENT, AND
COLUMN EXTENSION PROJECT WITH HOLT SERVICES, INC.**

WHEREAS, the Board of Commissioners approved Resolution 1085-23 (Exhibit A) on June 7, 2023, and awarded a small works contract to Holt Services, Inc. for the Well 22 rehabilitation, pump, motor replacement, and column extension project to Holt Services, Inc. in the amount of \$246,500.00, plus applicable taxes after utilizing the formal competitive bidding procurement process; and

WHEREAS, The General Manager was authorized to execute a small works contract with Holt Services, Inc. and was further authorized to approve amendments to the Contract or change orders in an amount not to exceed 5% of the Contract amount, provided the changes were: a) within the scope of the project; b) consistent with the bid process; and c) executed in writing; and

WHEREAS, during the rehabilitation phase of the project, it was determined by the District's Hydrogeologist that further rehabilitation processes were required, and costs were in excess of the authorized percentage amount provided in Resolution 1085-23; **NOW, THEREFORE**,

**THE BOARD OF COMMISSIONERS OF WEST SOUND UTILITY
DISTRICT HEREBY RESOLVES:**

Section 1. The District's Board of Commissioners hereby approves the change order costs in the amount of \$100,550.00 plus applicable sales tax per Exhibit "B" with Holt Services, Inc. for the additional rehabilitation work.

APPROVED and ADOPTED by the Board of Commissioners of West Sound Utility District at a regularly scheduled Board meeting on October 18, 2023.

WEST SOUND UTILITY DISTRICT
Kitsap County, Washington

Susan Way
Chairperson

James J. Hart
Vice Chairperson

Jerry Lundberg
Secretary

**WEST SOUND UTILITY DISTRICT
RESOLUTION 1085-23**

**A RESOLUTION OF THE
WEST SOUND UTILITY DISTRICT BOARD OF COMMISSIONERS
AUTHORIZING CONTRACT AWARD FOR THE
WELL 22 REHABILITATION, PUMP, MOTOR REPLACEMENT, AND
COLUMN EXTENSION PROJECT WITH HOLT SERVICES, INC.**

WHEREAS, the District’s Well 22 requires rehabilitation services for a new pump, motor, and extension of its well column; and

WHEREAS, the Water Capital Fund contains funding for such work; and

WHEREAS, utilizing the formal competitive bidding procurement process, the District prepared and advertised plans, and specifications for the project (Exhibit “A”); and

WHEREAS, the District received three (3) bids from contractors with the ability to perform the requested work from the small works roster with a bid opening that occurred on May 15, 2023, at 2:00 pm; and

WHEREAS, of the bids received, the lowest responsible bidder for the project was Holt Services, Inc. who provided a bid in the amount of \$246,500.00 not including applicable tax; **NOW, THEREFORE**,

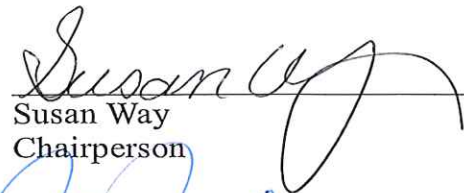
THE BOARD OF COMMISSIONERS OF WEST SOUND UTILITY DISTRICT HEREBY RESOLVES:

Section 1. The Board approves and awards the small works contract for the Well 22 well rehabilitation, pump, motor replacement, and column extension project to Holt Services, Inc. in the amount of \$246,500.00, plus applicable taxes.

Section 2. The General Manager is hereby authorized to execute the small works contract (Exhibit “B”) with Holt Services, Inc. and is further authorized to approve amendments to the Contract or change orders in an amount not to exceed 5% of the Contract amount, provided the changes are: a) within the scope of the project; b) consistent with the bid process; and c) executed in writing.

APPROVED and ADOPTED by the Board of Commissioners of West Sound Utility District at a Board meeting scheduled June 7, 2023.

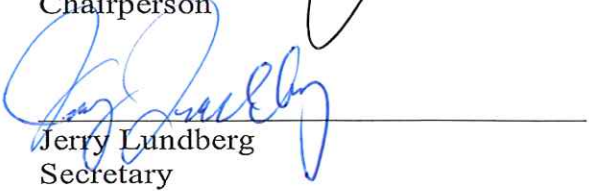
WEST SOUND UTILITY DISTRICT
Kitsap County, Washington



Susan Way
Chairperson



James J. Hart
Vice Chairperson



Jerry Lundberg
Secretary



2924 SE Lund Avenue, Port Orchard, WA 98366
Phone: (360) 876-2545 • Fax (360) 874-5030
Email: Projects@wsud.us

CONTRACT CHANGE ORDER

Date: 10-12-2023

Project: Well 22 Rehab w/ Pump & Motor replacement

Change Order #: 1

Owner: West Sound Utility District

Contractor: Holt Services Inc.

Architect/Engineer: Robinson Noble

- TYPE OF CHANGE ORDER (Check one): Standard Change Order
 Unforeseen Site Condition
 (Justification attached) Emergency (Authorization attached)
 Substantial (Authorization attached)

Description of Change:

The following Proposed Change Order(s) are incorporated into the Contract by reference:

Ref. #	Summary Description:	Amount:	Initiated by:
9312	The additional hours were for swabbing pumping, bailing at the direction of the geologist. 7.5 hours were also related to pump start up attempts	157 hrs.	
*Original Contract Amount:		246,500.00	
Previous Change Order(s):			
Contract Amount Prior to this Change Order:		246,500.00	
*Amount of this Change Order:		100,550.00	
*New Contract Amount Including this Change Order:		347,050.00	

*Excludes applicable WSST.

Contract Time will be extended by *Zero* days.

Reviewed by:

Engineer or WSUD General Manager:

Date:

WSUD Inspector:

Date:

Contractor agrees to perform the above-described work in accordance with the above terms and in compliance with applicable sections of the Project documents. The amount of the charges under this Change Order is limited to the charges allowed under Section IV of the General Provisions 4-12 Changes in Work and Extra Work. The adjustment in the contract sum, if any, and the adjustment in the contract time, if any, set out in this Change Order shall constitute the entire compensation and/or adjustment in the contract time due Contractor arising out of the change in the work covered by this Change Order, unless otherwise provided in this Change Order. No additions or deletions to this Change Order shall be allowed, except with written permission of the District. Contractor accepts the terms and conditions stated above as full and final settlement of any and all claims arising from this Change Order.

This Change Order is hereby agreed to, accepted and approved by:

Contractor:

**Holt Services Inc.
P.O. Box 1659
Milton, WA 98354**

Christopher Dean

Authorized Agent Printed Name



10/12/23

Signature

Date

West Sound Utility District:

Printed Name

Signature

Date

**WEST SOUND UTILITY DISTRICT
RESOLUTION 1105-23**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF
WEST SOUND UTILITY DISTRICT
ACCEPTING THE DEVELOPER’S EXTENSION CONTRACT
FOR SEWER AND WATER UTILITIES
TO AND WITHIN
THE OVERLOOK APARTMENTS PHASE II.**

WHEREAS, Mr. Brett McDonough, Manager of Brix Development, LLC., entered into a Development Extension Agreement on February 7, 2022, per Resolution 997-22 for the extension of water and sewer services for Phase II of the Multifamily Development, Overlook Apartments; and

WHEREAS, the Developer has completed construction of the water and sewer systems in accordance with the standards of the District and approved by the District’s Operations Staff; and

WHEREAS, the water and sewer system to be conveyed to the District consists of the items and quantities identified per the attached exhibits which include the Water System Construction Cost Worksheet (Exhibit A) the Sewer System Construction Cost Worksheet (Exhibit B); and

WHEREAS, the water system for an asset value of \$805,670.00, and the sewer system for an asset value of \$195,750.00, shall be conveyed to the District upon the acceptance of the water and sewer systems by the District’s Board of Commissioners; **NOW, THEREFORE**,

THE BOARD OF COMMISSIONERS OF WEST SOUND UTILITY DISTRICT HEREBY RESOLVES:

Section 1. West Sound Utility District accepts the improvements of the water and sewer extensions for Phase II of the Multifamily Development, Overlook Apartments. The Board further authorizes the District’s General Manager to sign the conveyance documents (Exhibit C).

APPROVED and ADOPTED by the Board of Commissioners of West Sound Utility District at a regular Board Meeting scheduled on October 18, 2023.

WEST SOUND UTILITY DISTRICT
Kitsap County, Washington

Susan Way
Chairperson

James J. Hart
Vice Chairperson

Jerry Lundberg
Secretary



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WATER SYSTEM CONSTRUCTION COST WORKSHEET

Project Name: Overlook Apartments Phase 2/3

Submitted by: David Peterson/ Active Construction Inc

WATER MAINS

MAINS	FEET		COST	WSUD ASSETS (INTERNAL USE)
2"				
4"	665 LF		\$150 LF / \$99,750	99,750 ⁰⁰
6"				
8"	2300 LF		\$136.40 LF / \$313,720	313,720 ⁰⁰
12"				
FITTINGS				
TESTING	2300 LF		\$9 LF / \$20,700	20,700 ⁰⁰
BLOCKING	24 EA		\$500 / \$12,000	12,000 ⁰⁰
VALVES				
	QUANTITY			
2"				
4"				
6"				
8"	14 EA		\$8,500 / \$119,000	119,000 ⁰⁰
12"				
	QUANTITY			
VALVE BOXES	14 EA		\$500 / \$7,000	7,000 ⁰⁰
TRACE WIRE	2300 LF		\$1 / \$2,300	2,300 ⁰⁰
	QUANTITY			
BLOW OFF ASSEMBLY				
	QUANTITY			
AIR VAC ASSEMBLY				
WET TAPS	QUANTITY	SIZE		
	4 EA	8"	\$12,000 / \$48,000	48,000 ⁰⁰
	QUANTITY	SIZE		
PRV STATIONS				

WATER SYSTEM CONSTRUCTION COST WORKSHEET

HYDRANTS

	QUANTITY		
HYDRANTS	5 EA	\$8,500/ \$42,500	42,500 ⁰⁰
	FEET		
6" PIPE			
VALVES	5 EA	\$7,500/ \$37,500	37,500 ⁰⁰
VALVE BOXES	5 EA	\$650/ \$3,250	3,250 ⁰⁰
TEES'	5 EA	\$250/ \$1,250	1,250 ⁰⁰
STORTZ ADAPTER	5 EA	\$500/ \$2,500	2,500 ⁰⁰
FITTINGS			

SERVICES

	FEET		
POLY PIPE			
2"	500 LF	\$15/ \$7,500	7,500 ⁰⁰
1 1/2"			
1"			
3/4"	100 LF	\$12/ \$1,200	1,200 ⁰⁰
	QUANTITY		
TAPS	19 EA	\$2,750/ \$52,250	52,250 ⁰⁰
SADDLES			
CORP STOPS	19 EA	\$750/ \$14,250	14,250 ⁰⁰
SETTERS			
2"	6 EA	\$2,500/ \$15,000	15,000 ⁰⁰
1 1/2"			
1"			
3/4"	1 EA	\$2,500	2,500 ⁰⁰
METER BOXES	7 EA	\$500/ \$3,500	3,500 ⁰⁰

MOBILIZATION

TOTAL MOBE COST		\$50,005	
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TOTAL WATER COST

\$855,675.00

805,670⁰⁰

IT IS THE RESPONSIBILITY OF THE DEVELOPER TO INCLUDE THE MATERIALS AND THE COSTS OF MATERIALS THAT ARE NOT LISTED ON THIS WORKSHEET

West Sound Utility District recommends that you retain a copy of this completed form for your personal records
(Sewer System Construction Worksheet)



2924 SE Lund Avenue, Port Orchard, WA 98366
 (360) 876-2545 • Fax (360) 874-5030
 www.customerservice @wsud.us

SEWER SYSTEM CONSTRUCTION COST WORKSHEET

Project Name: Overlook Apartments Ph 2/3

Submitted by: David Peterson/ Active Construction Inc

SEWER MAINS

GRAVITY MAINS	FEET		COST	WSUD ASSETS (INTERNAL USE)
8"	950 LF		\$85 LF/ \$80,750	80,750 ⁰⁰
10"				
12"				
15"				
CLEANOUT ASSY.	QUANTITY			
6"	10 EA		\$650.00 EA/ \$6,500	6,500 ⁰⁰
8"				
CLEANOUT BOXES				
FORCE MAINS (HDPE)	QUANTITY			
2"				
4"				
6"				
8"				
	QUANTITY			
TAPS				
VALVES	QUANTITY			
2"				
4"				
6"				
8"				
	QUANTITY			
VALVE BOXES				
TESTING	2300 LF		\$5 LF/ \$11,500	11,500 ⁰⁰
FLUSH/TV	2300 LF		\$9 LF/ \$20,700	20,700 ⁰⁰
TRACE WIRE	2300 LF		\$1 LF/ \$2,300	2,300 ⁰⁰

SEWER SYSTEM CONSTRUCTION COST WORKSHEET

SEWER STUBS

SEWER STUBS	FEET		COST	
4"				
6"	300 LF		\$55 LF / \$16,500	16,500 ⁰⁰
FITTINGS	1		\$5000	5,000 ⁰⁰
TOTAL SEWER CONNECTIONS	1 EA		\$5,000	5,000 ⁰⁰
CLEANOUT BOXES				
GRINDER STUB & VALVES				
GRINDER VALVE BOX				
GRINDER DISCHARGE LINE	FEET			
1 1/4" (HDPE)				
FUSION FITTINGS				
	QUANTITY			
E-ONE STATIONS				
TESTING				

MANHOLES

	QUANTITY		COST	
MANHOLE STRUCTURES	10		\$4,750 / \$47,500	47,500 ⁰⁰
LIDS				
RISER RINGS				
CORE DRILLING				
TESTING	10		\$500 / \$5,000	5,000 ⁰⁰

MOBILIZATION

TOTAL MOBE COST	1		\$5,000	5,000 ⁰⁰
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TOTAL COST:
\$205,750.00

195,750⁰⁰

IT IS THE RESPONSIBILITY OF THE DEVELOPER TO INCLUDE THE MATERIALS AND THE COSTS OF MATERIALS THAT ARE NOT LISTED ON THIS WORKSHEET



**DEVELOPER EXTENSION CONTRACT
OVERLOOK APARTMENT PHASE 2/3
OCTOBER 18, 2023**





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(360) 876-2545 • Fax (360) 874-5030
www.customerservice@wsud.us

BILL OF SALE AND CONVEYANCE

Project Name: Overlook Apartments Phase II & III

The Developer, namely, Port Orchard Multifamily LLC, for and in consideration of the mutual promises contained in the Contract, hereby grants, bargains, sells, conveys, delivers, and warrants to West Sound Utility District, the following described personal property and real property located in Kitsap County, Washington, to wit:

1. (Itemized description of Developer Improvements to be conveyed):

SEE EXHIBIT A

2. Legal description and tax parcel numbers of all real property and easements to be conveyed:

SEE EXHIBIT B

Together with any easements or other existing interests in real property incident thereto and necessary for the ownership, operation, and maintenance of the Developer Improvement.

The Developer covenants and warrants to the District, its successors, and assigns, that the Developer is the owner of the said real and personal property and has good right and authority to sell the same, and that it will and does hereby warrant and agree to defend the sale thereof to the District, its successors, and its assigns against all and every person and/or entity claiming the same, whether said claim is with or without merit.

The Developer further warrants the Developer Improvement is fit for purposes intended, i.e., for use as a water collection and conveyance system or wastewater distribution system, and that the same has been constructed in accordance with this Contract.

The Developer further covenants, warrants, and agrees to repair, correct and bear the cost of any defect concerning any work or material associated with construction of the Developer Improvement which may arise for a two year period from the District's date of acceptance of this Bill of Sale, and to hold the District harmless from any and all costs arising in connection therewith or any and all liability of every kind and nature arising therefrom. When corrections of defects occurring within the warranty period are made, the Developer shall further warrant corrected work for two years after acceptance of the corrected work by the District.

Dated this 5 of OCTOBER, 2023.

Developer by: BRUXX DEVELOPMENT : (OWNER: POET OPERATIONS MULTIFAMILY LLC)

Print Name: BRETT McDONOUGH

State Title: MANAGER/PRINCIPAL

Its duly authorized representative for entry into this Exhibit

Address 3135 S. RICHMOND ST. SALT LAKE CITY, UT 84106

Contact telephone numbers: (801) 792-1540

Accepted by WEST SOUND UTILITY DISTRICT on this _____ day of _____, 20____
pursuant to the District Resolution hereinafter set forth.

Resolution No. _____ WEST SOUND UTILITY DISTRICT

By _____
General Manager

AFTER RECORDING RETURN TO:

West Sound Utility District
2924 SE Lund Avenue
Port Orchard, WA 98366

EASEMENT AGREEMENT FOR UTILITY TRANSMISSION LINES

Summary for Recorder's Use:

- 1. **Reference Number** of documents
being assigned or released: *Not Applicable*
Located on page _____ of document.
- 2. **Grantor ("Developer"):** PORT ORCHARD MULTIFAMILY LLC
- 3. **Grantee:** WEST SOUND UTILITY DISTRICT
- 4. **Summary Legal Description:** SE 1/4 OF THE SW 1/4 OF SEC 30, TWP 24N, RNG 2E
Additional legal description is on page 5 of document
- 5. **Assessor's Property Tax Parcel Account Number(s):** 4598-005-017-0307

PROJECT NAME: Overlook Apartments Phase II and III

PORT ORCHARD MULTIFAMILY LLC (hereinafter called "Grantor") , for and in consideration of the mutual promises and covenants contained in the Developer Extension Contract with West Sound Utility District, hereby dedicates, conveys and grants to **WEST SOUND UTILITY DISTRICT** (hereinafter called "Grantee") an easement (hereinafter also called "Easement" or "Easement Property") for water and/or wastewater mains, pumps, appurtenances thereto, and for other future utilities and appurtenances deemed necessary by Grantee under, over and across the Easement Property hereinafter legally described.

The real property (hereinafter called "Total Property") in which the Easement Property is located is legally described as follow: *(Insert full legal description of Total Property)*

SEE EXHIBIT A

The tax parcel number(s) of the Total Property is/are as follows: 4598-005-017-0307

The Easement Property, located within a portion of the Total Property, is legally described as follows: *(Insert full legal description of Easement Property)*

SEE EXHIBIT B AND C

For illustrative purposes, a map showing the location of the Total Property and the Easement Property within the Total Property is attached hereto, marked "EXHIBIT A", and by this reference incorporated herein. For recording purposes, it is understood EXHIBIT A must have one-inch margin borders on its top, bottom, and sides.

IN CONSIDERATION of the foregoing recitals and the promises and covenants of Grantor and Grantee hereinafter set forth, they agree as follows:

1. Grantee's Access Rights and Rights in Easement Property. The Grantee shall have the right at all times to enter upon the Easement Property to install, lay, construct, renew, upgrade, operate and maintain its water and/or wastewater transmission lines and other facilities and equipment (hereinafter simply referred to as "District Facilities") under, on, across and/or over the Easement Property as it shall deem necessary in its sole discretion, now and in the future. The District Facilities located at the Easement Property shall be used for the purposes of serving the Total Property and other property parcels and members of the public located within Grantee's jurisdictional boundaries and service area, now and as hereafter configured. In accessing the Easement Property, the Grantee shall have the right at all times to travel over those portions of the Total Property, as it shall deem reasonably necessary to obtain ingress and egress to and from the Easement Property.

2. Easement Time Length. The Easement rights granted to the Grantee in the Easement Property shall last in perpetuity.

3. Unobstructed Easement Property Access by Grantee. The Grantor shall never allow any permanent or other structures to be constructed or installed, or allow any trees or shrubs taller than 18 inches to be planted on or over the Easement Property or in any locations that would make it difficult for Grantee to reasonably access the Easement Property. The Grantor shall also never permit Grantee's access to the Easement Property to ever be obstructed in any fashion.

4. Running of Benefits and Burdens. All provisions of this instrument, including the benefits and burdens, run with the land and shall be binding and inure to the Grantor, Grantee and their successors, heirs, tenants, personal representatives and assigns.

5. Grantor's Warranty of Title. Grantor warrants it has good and indefeasible fee simple title to the Total Property and Easement Property and possesses the right to enter into the Easement grant made herein.

6. Enforcement of Agreement. Either party may enforce this instrument by appropriate legal action, and the party who substantially prevails in any such legal action shall be entitled to recover its reasonable attorney fees and costs from the party who substantially loses.

7. Cooperation of the Parties. The parties shall diligently strive to cooperate with one another in effectuate the terms and spirit of this Agreement. This Agreement shall be given a reasonable construction.

GRANTOR:

State full legal name of Grantor:

By: [Signature]

Print Name: BRETT McDONOVITZ

Its AUTHORIZED MEMBER/AGENT

who is legally and duly authorized to enter into this Easement Agreement on behalf of Grantor.

UTAH
STATE OF WASHINGTON)
SALT LAKE) ss Grantor - Corporation or LLC Acknowledgment
COUNTY OF KITSAP)

I certify that I know or have satisfactory evidence that Brett McDonovitz and _____ are the persons who appeared before me, and such persons acknowledged they signed this instrument, and on oath stated they were authorized to execute it on behalf of PORT ORLANDE MOUNTAIN LIFE DEVELOPMENT, a Washington LLC (insert "corporation" or "limited liability company" as appropriate); and they acknowledged it as _____ and GOOD SANDERS (state the offices of each), respectively, of such business entity, to be the free and voluntary act of such business entity for the uses and purposes mentioned in the instrument.

Dated: 10-5-23

[Signature]

Print Name: MICHAEL HOLLEY

NOTARY PUBLIC in and for the State of UTAH

Washington, residing in SALT LAKE COUNTY

My Commission Expires: 10-18-25



GRANTEE: WEST SOUND UTILITY DISTRICT

By: _____

General Manager

Print Name: _____

STATE OF WASHINGTON)

) ss **WEST SOUND'S ACKNOWLEDGMENT**

COUNTY OF KITSAP)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and such person acknowledged they signed this instrument, and on oath stated he/she was authorized to execute this instrument on behalf of **WEST SOUND UTILITY DISTRICT**, a Washington municipal corporation, as the General Manger thereof, and he/she acknowledged it to be the free and voluntary act of such utility district for the uses and purposes mentioned in the instrument.

Dated: _____

Print Name: _____

NOTARY PUBLIC in and for the State of

Washington, residing in _____

My Commission Expires: _____

EXHIBIT A
PROPERTY LEGAL DESCRIPTION

RESULTANT PARCELS 1, 2 AND 3 OF BOUNDARY LINE ADJUSTMENT RECORDED APRIL 14, 2021

UNDER RECORDING NO. 202104140205 AND AS DEPICTED ON SURVEY RECORDED APRIL 14, 2021 UNDER RECORDING NO. 202104140206, IN VOLUME 93 OF SURVEYS, PAGES 27 THROUGH 30, INCLUSIVE, IN KITSAP COUNTY, WASHINGTON.

TOGETHER WITH THE FOLLOWING DESCRIBED PROPERTY:

LOTS 28 THROUGH 32, INCLUSIVE, BLOCK 5, NAVY YARD ADDITION TO SIDNEY, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 1 OF PLATS, PAGE 87, IN KITSAP COUNTY, WASHINGTON;

TOGETHER WITH THAT PORTION OF VACATED PALMER AVENUE AS ATTACHES BY OPERATION OF LAW PER ORDINANCE NO. 1791, RECORDED UNDER AUDITOR'S FILE NO. 3241143, DATED MARCH 6, 2000, NAVY YARD ADDITION TO SIDNEY.

ALSO TOGETHER WITH A PERPETUAL NON-EXCLUSIVE EASEMENT FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE AND REPAIR OF A BELOW-GRADE STORMWATER DRAINAGE SYSTEM AS SET FORTH IN STORMWATER DRAINAGE SYSTEM EASEMENT RECORDED JUNE 9, 2008 UNDER RECORDING NO. 200806090161.

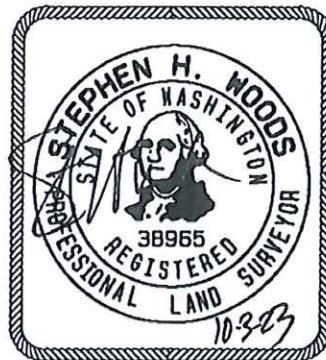
ALL SITUATE IN SECTION 30, TOWNSHIP 24 NORTH, RANGE 1 EAST OF W.M., IN THE CITY OF PORT ORCHARD, COUNTY OF KITSAP, STATE OF WASHINGTON.

EXHIBIT B 15' PUBLIC WATER EASEMENT

A STRIP OF LAND LYING WITHIN RESULTANT PARCEL A OF BOUNDARY LINE ADJUSTMENT RECORDED UNDER AUDITOR'S FILE NO. 202208090141, AND AS DEPICTED ON SURVEY RECORDED UNDER AUDITOR'S FILE NO. 202208090140, IN VOLUME 96 OF SURVEYS, PAGES 70 THROUGH 73, INCLUSIVE, RECORDS OF KITSAP COUNTY, WASHINGTON, BEING 15.00 FEET IN WIDTH, LYING 7.50 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE MOST SOUTHEASTERLY CORNER OF SAID RESULTANT PARCEL A;
THENCE NORTH 02°09'00" EAST ALONG THE EASTERLY LINE THEREOF, A DISTANCE OF 23.65 FEET TO THE TRUE POINT OF BEGINNING;
THENCE NORTH 42°57'37" WEST, A DISTANCE OF 44.54 FEET;
THENCE NORTH 02°08'23" WEST, A DISTANCE OF 101.45 FEET;
THENCE NORTH 02°08'23" EAST, A DISTANCE OF 133.13 FEET;
THENCE NORTH 24°38'50" EAST, A DISTANCE OF 37.56 FEET;
THENCE NORTH 02°06'35" EAST, A DISTANCE OF 107.31 FEET TO SAID EASTERLY LINE OF SAID RESULTANT PARCEL A;
THENCE SOUTH 02°06'35" WEST, A DISTANCE OF 107.31 FEET;
THENCE SOUTH 24°38'50" WEST, A DISTANCE OF 31.88 FEET;
THENCE NORTH 87°52'14" WEST, A DISTANCE OF 82.56 FEET;
THENCE NORTH 43°08'18" WEST, A DISTANCE OF 31.69 FEET;
THENCE NORTH 02°08'00" EAST, A DISTANCE OF 180.31 FEET;
THENCE NORTH 47°07'52" EAST, A DISTANCE OF 7.19 FEET;
THENCE SOUTH 87°51'30" EAST, A DISTANCE OF 84.41 FEET;
THENCE SOUTH 02°08'56" WEST, A DISTANCE OF 42.33 FEET;
THENCE SOUTH 41°17'56" EAST, A DISTANCE OF 24.31 FEET TO SAID EASTERLY LINE OF SAID RESULTANT PARCEL A;
THENCE NORTH 41°17'56" WEST, A DISTANCE OF 24.31 FEET;
THENCE NORTH 02°08'56" EAST, A DISTANCE OF 481.29 FEET TO THE NORTHERLY LINE OF SAID RESULTANT PARCEL A AND THE TERMINUS OF SAID CENTERLINE.

SITUATE IN SECTION 30, TOWNSHIP 24 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF PORT ORCHARD, COUNTY OF KITSAP, STATE OF WASHINGTON.



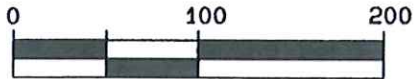
CONTOUR
ENGINEERING • LLC

4706 97th Street Northwest, Suite 100, Gig Harbor, WA 98335. ph 253-857-5454. fax 253-509-0044

EXHIBIT B
15' PUBLIC WATER EASEMENT

LINE TABLE

LINE	BEARING	DISTANCE
L1	N02°09'00"E	23.65'
L2	N42°57'37"W	44.54'
L3	N87°52'21"W	101.45'
L4	N02°08'23"E	133.13'
L5	N24°38'50"E	37.56'
L6	N24°38'50"E	5.68'
L7	N24°38'50"E	31.88'
L8	N02°06'35"E	107.31'
L9	N87°52'14"W	82.56'
L10	N43°08'18"W	31.69'
L11	N02°08'00"E	180.31'
L12	N47°07'52"E	7.19'
L13	S87°51'30"E	84.41'
L14	N02°08'56"E	481.29'
L15	N02°08'56"E	42.33'
L16	N02°08'56"E	438.96'
L17	S41°17'56"E	24.31'



SCALE: 1"=100'



CONTOUR
 ENGINEERING • LLC

CIVIL ENGINEERS~SURVEYORS~LAND PLANNERS
 4706 97th Street NM, Suite #100, Gig Harbor, WA 98335
 Phone: 253-857-5454 Fax: 253-509-0044 info@contourpllc.com

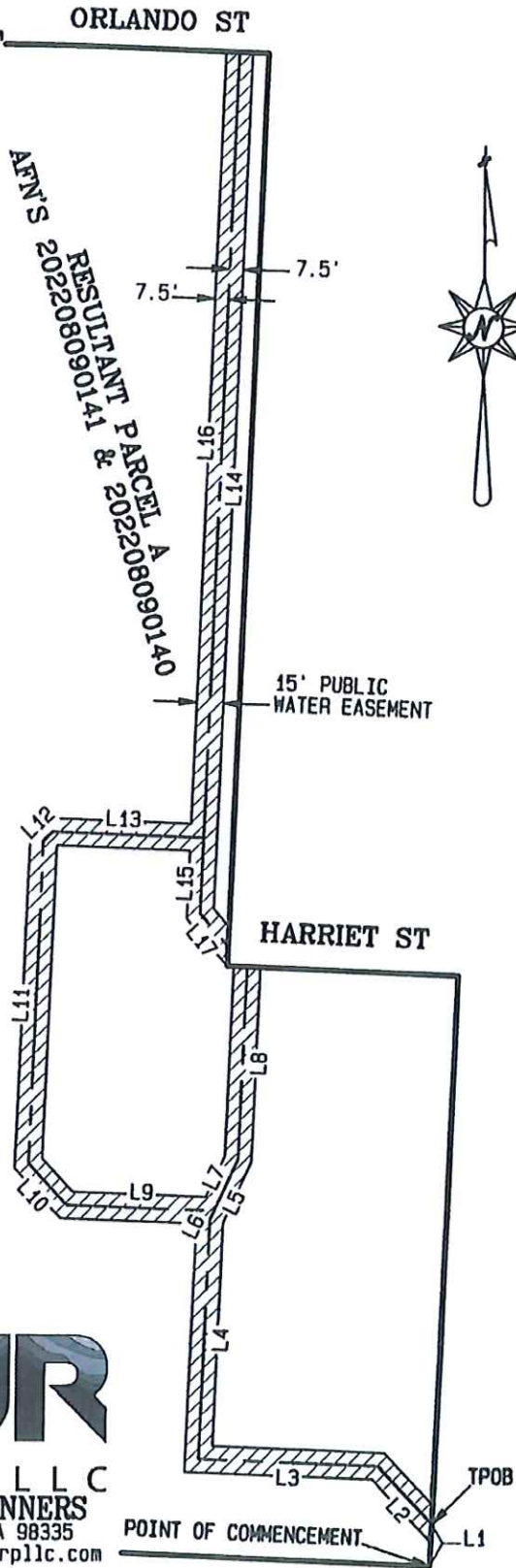


EXHIBIT C
15' PUBLIC SANITARY SEWER EASEMENT

A STRIP OF LAND LYING WITHIN RESULTANT PARCEL A OF BOUNDARY LINE ADJUSTMENT RECORDED UNDER AUDITOR'S FILE NO. 202208090141, AND AS DEPICTED ON SURVEY RECORDED UNDER AUDITOR'S FILE NO. 202208090140, IN VOLUME 96 OF SURVEYS, PAGES 70 THROUGH 73, INCLUSIVE, RECORDS OF KITSAP COUNTY, WASHINGTON, BEING 15.00 FEET IN WIDTH, LYING 7.50 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHEASTERLY CORNER OF SAID RESULTANT PARCEL A;
THENCE NORTH 87°40'56" WEST ALONG THE NORTHERLY LINE THEREOF, A DISTANCE OF 28.29 FEET TO THE TRUE POINT OF BEGINNING;
THENCE SOUTH 01°57'08" WEST, A DISTANCE OF 277.21 FEET;
THENCE NORTH 86°28'28" WEST, A DISTANCE OF 96.95 FEET;
THENCE SOUTH 29°00'14" WEST, A DISTANCE OF 20.27 FEET;
THENCE NORTH 51°25'19" WEST, A DISTANCE OF 125.12 FEET;
THENCE NORTH 55°04'59" WEST, A DISTANCE OF 94.34 FEET TO THE WESTERLY LINE OF SAID RESULTANT PARCEL A;
THENCE SOUTH 55°04'59" EAST, A DISTANCE OF 94.34 FEET;
THENCE SOUTH 51°25'19" EAST, A DISTANCE OF 125.12 FEET;
THENCE SOUTH 52°46'36" EAST, A DISTANCE OF 26.09 FEET;
THENCE SOUTH 02°53'31" WEST, A DISTANCE OF 72.15 FEET;
THENCE SOUTH 32°28'08" WEST, A DISTANCE OF 81.14 FEET;
THENCE SOUTH 02°04'34" WEST, A DISTANCE OF 180.58 FEET;
THENCE SOUTH 51°14'32" EAST, A DISTANCE OF 53.27 FEET;
THENCE SOUTH 87°41'02" EAST, A DISTANCE OF 127.61 FEET TO THE TERMINUS OF SAID CENTERLINE;

SITUATE IN SECTION 30, TOWNSHIP 24 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF PORT ORCHARD, COUNTY OF KITSAP, STATE OF WASHINGTON.



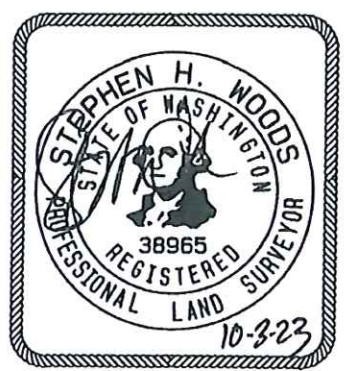
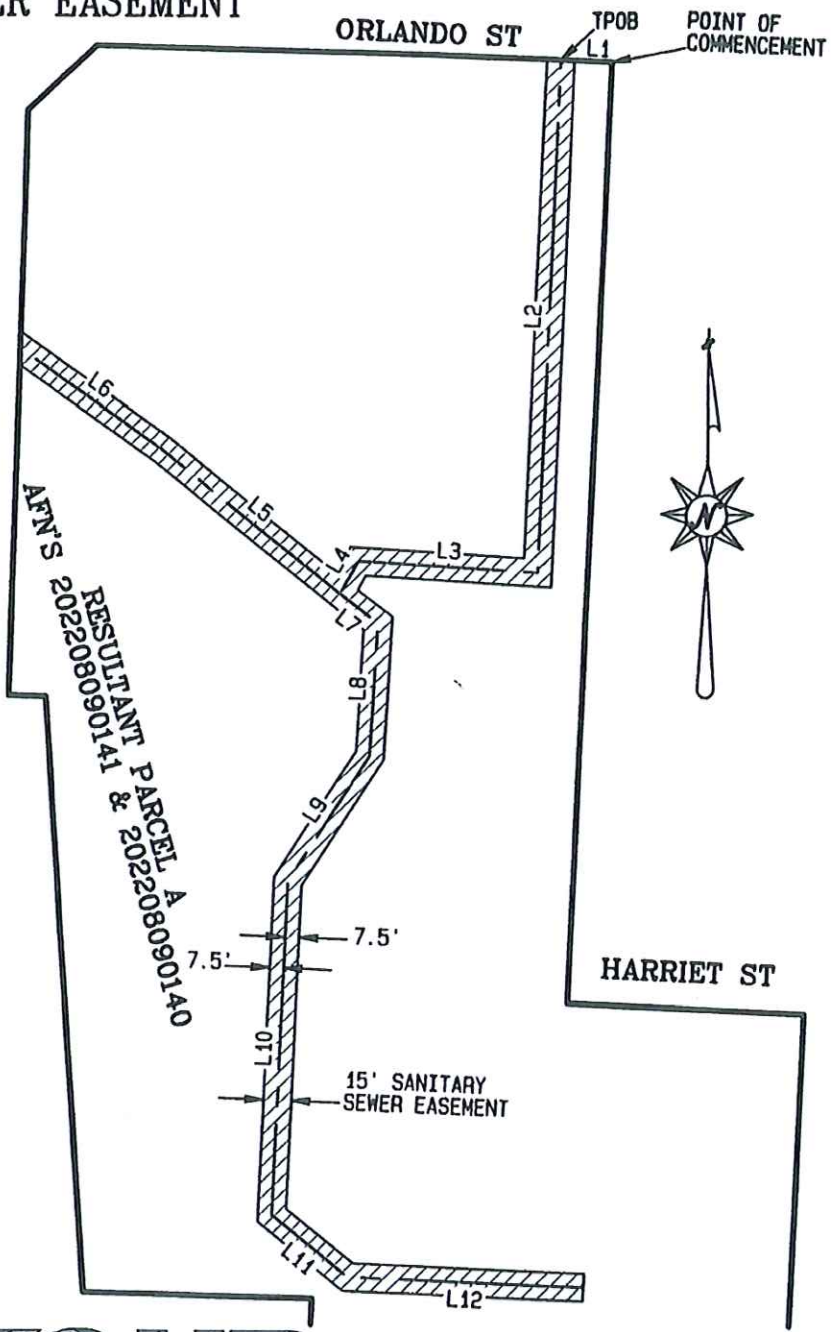
CONTOUR
ENGINEERING • LLC

4706 97th Street Northwest, Suite 100, Gig Harbor, WA 98335. ph 253-857-5454. fax 253-509-0044

EXHIBIT C 15' SANITARY SEWER EASEMENT

LINE TABLE

LINE	BEARING	DISTANCE
L1	N87°40'56"W	28.29'
L2	S01°57'08"W	277.21'
L3	N86°28'28"W	96.95'
L4	S29°00'14"W	20.27'
L5	N51°25'19"W	125.12'
L6	N55°04'59"W	94.34'
L7	S52°46'36"E	26.09'
L8	S02°53'31"W	72.15'
L9	S32°28'08"W	81.14'
L10	S02°04'34"W	180.58'
L11	S51°14'32"E	53.27'
L12	S87°41'02"E	127.61'



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