

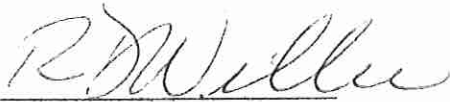
North Beach Public Development Authority


Resolution No. 04 - 2005


Resolution No. 04 - 2005

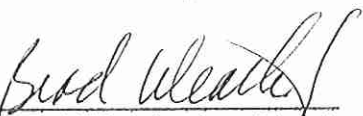
Be it resolved that on this date Monday, October 31, 2005 at a special board meeting of the North Beach Public Development Authority, the Board of Directors Approved the Buy-Sell Agreement offered by Ocean Park Acquisitions, LLC to purchase all outstanding shares of Pacific Water Company, a company wholly owned by Phillip and Virginia Leach for the sum of \$ 1,000,000.

Signed this date; Monday, October 31, 2005


R D Williams, President

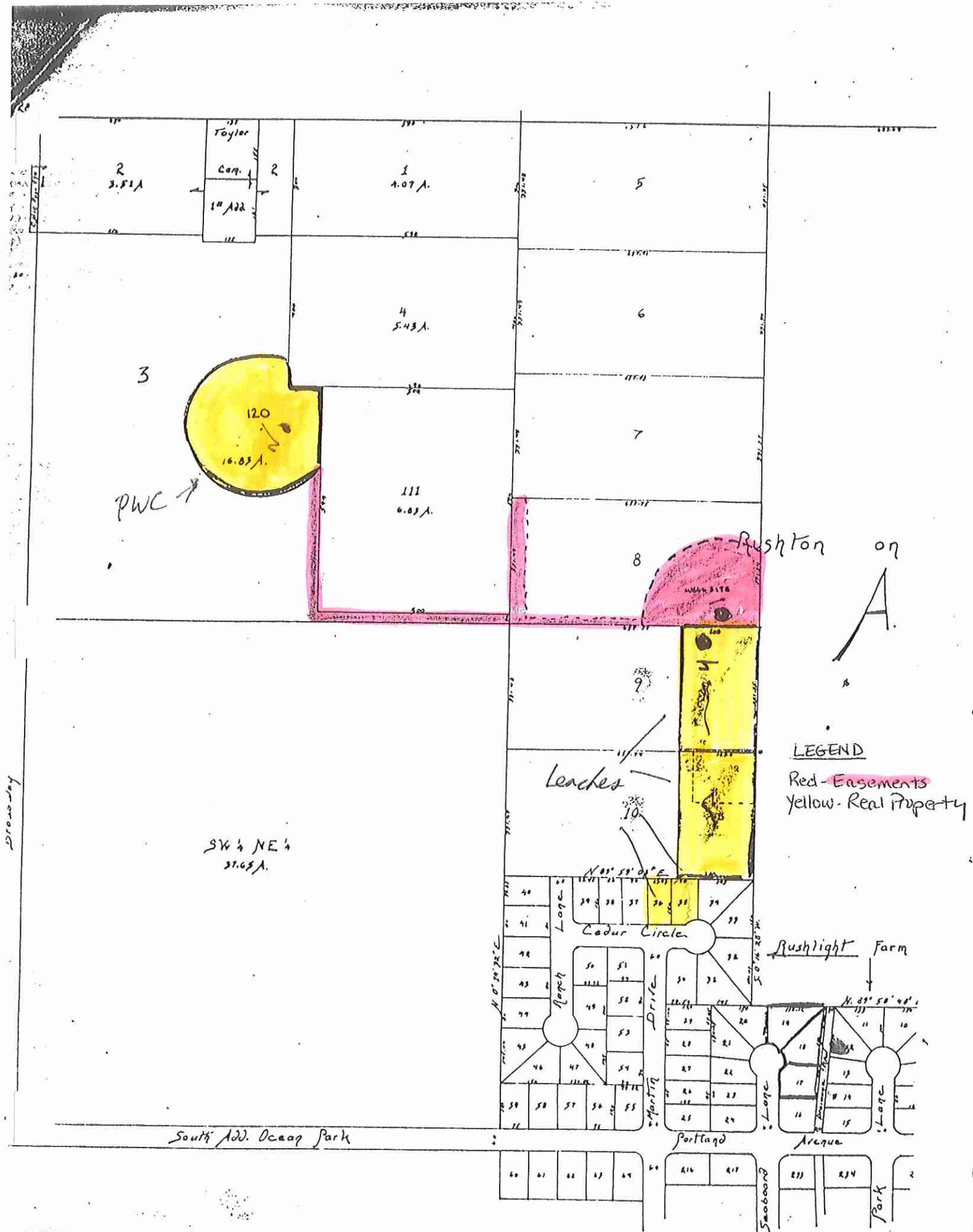

Tom Downer, Treasurer


Ken Karch, Vice President


Brad Weatherby, Director


Jim Hagen, Director


Celsa Johnson, Acting Secretary to the Board

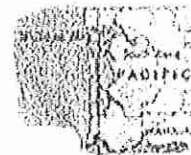




Bruce Walker
County Assessor

Pacific County Assessor

300 Memorial Drive
PO Box 86
South Bend, WA 98586
Phone: (360)875-9301



Property Summary (Appraisal Details)

Parcel Information

Parcel Number: 12113312120
Map Number: 121133 120
Situs: 025620 W ST
Legal:

Ownership Information

Current Owner: PACIFIC WATER COMPANY INC
Address: P O BOX 1358
City, State: OCEAN PARK, WA
Zipcode: 98640-

Assessment Data

Tax District: 24
Open Space:
Open Space
Date:
Senior
Exemption:
Deeded Acres: 2.73
Last Revaluation
for Tax Year:

Market Value

Land: 13,700
Imp: 0
Perm Crop: 0
Total: 13,700

Taxable Value

Land: 13,700
Imp: 0
Perm Crop: 0
Total: 13,700

Sales History

NO SALES HISTORY RECORDS FOUND!

Building Permits

NO ACTIVE PERMITS!

5 Year Valuation Information

Year	Billed Owner	Land	Impr.	PermCrop Value	Total	Exempt	Taxable	Taxes
2005	PACIFIC WATER COMPANY INC	13,700	0	0	13,700		13,700	View Taxes
2004	PACIFIC WATER COMPANY INC	13,700	0	0	13,700		13,700	View Taxes
2003	PACIFIC WATER COMPANY INC	13,700	0	0	13,700		13,700	View Taxes

Parcel Comments

Number	Comment
1	11



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Property Summary (Appraisal Details)

Parcel Information

Parcel Number: 76019409000
Map Number: RUSHTON 09 E200'
Situs: 025600 VZ ST
Legal:

Ownership Information

Current Owner: LEACH, PHILLIP & VIRGINIA
Address: P O BOX 683
City, State: LONG BEACH, WA
Zipcode: 98631

Assessment Data

Tax District: 24
Open Space:
Open Space
Date:
Senior
Exemption:
Deeded Acres: 1.52
Last Revaluation
for Tax Year:

Market Value

Land: 27,000
Imp: 0
Perm Crop: 0
Total: 27,000

Taxable Value

Land: 27,000
Imp: 0
Perm Crop: 0
Total: 27,000

Sales History

NO SALES HISTORY RECORDS FOUND!

Building Permits

NO ACTIVE PERMITS!

5 Year Valuation Information

Year	Billed Owner	Land	Impr.	PermCrop Value	Total	Exempt	Taxable	Taxes
2005	LEACH, PHILLIP & VIRGINIA	27,000	0	0	27,000		27,000	View Taxes
2004	LEACH, PHILLIP & VIRGINIA	27,000	0	0	27,000		27,000	View Taxes
2003	LEACH, PHILLIP & VIRGINIA	27,000	0	0	27,000		27,000	View Taxes
2002	LEACH, PHILLIP & VIRGINIA	0	0	0				View Taxes
2001	LEACH, PHILLIP & VIRGINIA	0	0	0				View Taxes
2000	LEACH, PHILLIP & VIRGINIA	0	0	0				View Taxes

Parcel Comments

Number

1

Comment

6



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Property Summary (Appraisal Details)

Parcel Information

Parcel Number: 76019410000
Map Number: RUSHTON 10 E200'
Situs:
Legal:

Ownership Information

Current Owner: LEACH, PHILLIP & VIRGINIA
Address: P O BOX 683
City, State: LONG BEACH, WA
Zipcode: 98631

Assessment Data

Tax District: 24
Open Space:
Open Space
Date:
Senior
Exemption:
Deeded Acres: 0
Last Revaluation
for Tax Year:

Market Value

Land: 27,000
Imp: 0
Perm Crop: 0
Total: 27,000

Taxable Value

Land: 27,000
Imp: 0
Perm Crop: 0
Total: 27,000

Sales History

NO SALES HISTORY RECORDS FOUND!

Building Permits

NO ACTIVE PERMITS!

5 Year Valuation Information

Year	Billed Owner	Land	Impr.	PermCrop Value	Total	Exempt	Taxable	Taxes
2005	LEACH, PHILLIP & VIRGINIA	27,000		0	0		27,000	View Taxes
2004	LEACH, PHILLIP & VIRGINIA	27,000		0	0		27,000	View Taxes
2003	LEACH, PHILLIP & VIRGINIA	27,000		0	0		27,000	View Taxes
2002	LEACH, PHILLIP & VIRGINIA	0		0	0			View Taxes
2001	LEACH, PHILLIP & VIRGINIA	0		0	0			View Taxes

Parcel Comments

Number

1

Comment

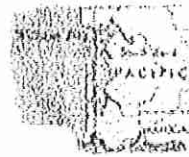
6



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Property Summary (Appraisal Details)

Parcel Information

Parcel Number: 76017000035
Map Number: RUSHLT FRM EST 035
Situs:
Legal: 1/345TH INT IN LOT 28RUSHLIGHT MANOR
ESTATES

Ownership Information

Current Owner: LEACH, PHILLIP & VIRGINIA
Address: P O BOX 683
City, State: LONG BEACH, WA
Zipcode: 98631

Assessment Data

Tax District: 24
Open Space:
Open Space
Date:
Senior
Exemption:
Deeded Acres: 0
Last Revaluation
for Tax Year:

Market Value

Land: 5,000
Imp: 0
Perm Crop: 0
Total: 5,000

Taxable Value

Land: 5,000
Imp: 0
Perm Crop: 0
Total: 5,000

Sales History

NO SALES HISTORY RECORDS FOUND!

Building Permits

NO ACTIVE PERMITS!

5 Year Valuation Information

Year	Billed Owner	Land	Impr.	PermCrop Value	Total	Exempt	Taxable	Taxes
2005	LEACH, PHILLIP & VIRGINIA	5,000	0	0	5,000		5,000	View Taxes
2004	LEACH, PHILLIP & VIRGINIA	5,000	0	0	5,000		5,000	View Taxes
2003	LEACH, PHILLIP & VIRGINIA	14,500	0	0	14,500		14,500	View Taxes
2002	LEACH, PHILLIP & VIRGINIA	0	0	0				View Taxes
2001	LEACH, PHILLIP & VIRGINIA	0	0	0				View Taxes

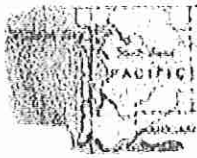
Parcel Comments

Number

1

Comment

6



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Property Summary (Appraisal Details)

Parcel Information

Parcel Number: 76017000036
Map Number: RUSHLT FRM EST 036
Situs:
Legal: 1/345TH INT IN LOT 28RUSHLIGHT MANOR
ESTATES

Ownership Information

Current Owner: LEACH, PHILLIP & VIRGINIA
Address: P O BOX 683
City, State: LONG BEACH, WA
Zipcode: 98631

Assessment Data

Tax District: 24
Open Space:
Open Space
Date:
Senior
Exemption:
Deeded Acres: 0
Last Revaluation
for Tax Year:

Market Value

Land: 10,000
Imp: 0
Perm Crop: 0
Total: 10,000

Taxable Value

Land: 10,000
Imp: 0
Perm Crop: 0
Total: 10,000

Sales History

NO SALES HISTORY RECORDS FOUND!

Building Permits

NO ACTIVE PERMITS!

5 Year Valuation Information

Year	Billed Owner	Land	Impr.	PermCrop Value	Total	Exempt	Taxable	Taxes
2005	LEACH, PHILLIP & VIRGINIA	10,000	0	0	10,000		10,000	View Taxes
2004	LEACH, PHILLIP & VIRGINIA	10,000	0	0	10,000		10,000	View Taxes
2003	LEACH, PHILLIP & VIRGINIA	12,000	0	0	12,000		12,000	View Taxes
2002	LEACH, PHILLIP & VIRGINIA	0	0	0				View Taxes
2001	LEACH, PHILLIP & VIRGINIA	0	0	0				View Taxes

Parcel Comments

Number

1

Comment

6

Schedule "A"

The appurtenant easements are described as follows:

- 1) Easement in favor of Ocean Bay Water Company for use and maintenance of existing water lines on Tract 8, Rushton on the Bay, recorded June 15, 1984, in Volume 8406, page 407, under auditor's file No. 62493.
- 2) Easement for ingress and egress 10 feet in width granted to Ocean Bay Water Company, over and across the southerly 10 feet of Tract 8, Rushton on the Bay, recorded June 15, 1984, in Volume 8406, page 407, under auditor's file No. 62493.
- 3) Non-exclusive easement for ingress and egress 30 feet in width over and across the south 30 feet of the west 30 feet of Tract 8, Rushton on the Bay, recorded June 15, 1984, in Volume 8406, page 407, under auditor's file No. 62493.
- 4) Agreement between Ocean Bay Water Company and Neal D. Emond and Barbara J. Emond, regarding the water line and access easements on Tract 8, Rushton on the Bay. Said agreement stipulates in part that Ocean Bay Water Company is to provide the Emonds with water at no charge during their lifetime or until such time as they convey title to said tract, recorded April 8, 1987 in Volume 8704, page 266, under auditor's file No. 81851.
- 5) Easement for ingress, egress and for installation, maintenance and use of existing water lines in favor of Ocean Bay Water Company over and across Tax Lot 111, Section 33, Township 12 North, Range 11 West, W.M., as disclosed by deed recorded July 27, 1981, in Volume 8107, page 655.
- 6) Easement for ingress and egress granted to Ocean Bay Water Company over and across the south 26 feet of the east 500 feet of Tax 3, Section 33, Township 12 North, Range 11 West, W.M., recorded June 30, 1969, in Volume 220, page 544, under auditor's file No. 60633, and amended August 3, 1978, in Volume 7808, page 70, under auditor's file No. 18734.

-continued-

- 7) Easement for underground water pipeline and for access to well site granted to Ocean Bay Water Company, being a strip 10 feet wide, the centerline of which extends westerly from the center point of the above described Parcel 6, running parallel to the north line of Section 33, Township 12 North, Range 11 West and terminating at the east line of Broadway ('V') Street, recorded August 3, 1978, in Volume 7808, page 69.
- 8) Easement for waterlines delineated on the plats of Rushlight Farm Estates and Rushlight Manor Estates, copies attached.
- 9) Easement for a well site reserved by Ocean Bay Water Company, with a radius of 200 feet, the center point of which is located 27.17 feet North of the South line of Tract 8, Rushton on the Bay, and 112.88 feet West of the East line of said Tract 8, recorded June 15, 1984, in Volume 8406, page 408, under auditors file No. 62494.
- 10) Easement for ingress and egress granted to Ocean Bay Water Company over and across a 20 foot strip, the centerline of which begins at Well No. 2 and extends due south to a point which is 26 feet north of the south line of the Northwest quarter of Section 33, Township 12 North, Range 11 West, W.M., recorded June 30, 1969, in Volume 220, page 554, under auditor's file No. 60633.

TOGETHER with easements for water system contained within Rushlight Farm Estates, Rushton on the Bay and Rushlight Manor.

--- 0107 100

STATE OF WASHINGTON }
COUNTY OF PACIFIC } ss.

STATE OF WASHINGTON }
COUNTY OF } ss.

R D Wrote 12/10/05

David, How are we doing on the property/easement research. Here is what I know at this point.

Currently we have plans to place our 12 inch Transmission line due west from the Well Site, in the shaded area of Lot 8, west along the Southern property line of Lot 8, the Neil and Barbara Emond's property, continuing west along the Southern property line of Lot 111, owned by the Hill's, and then continuing west along the Southern property line of Lot 3, currently in an easement, or county right-of way.

I do not completely understand all of this shaded area in Lot 8 at this point, but I assume it is a old easement that was created when the Rushlight Development was developed, and when the water co. was formed to serve the area, but it appears to be on the now Emond's property. Tom Downer and I plan to meet with Neil, prior to the meeting on Monday, so that we can get a full understanding of his issues.

Tom and I met with the Bob and Bobby Hill yesterday and they have agreed to co-operate.

The Hill's own the balance the western portion of Lots 9 & 10, along with Lot 111.

The dispute with the Hill's is this: there is a water line running due south across lots 9 & 10 approximately 80 feet west of Phillip and Virginia's Lot 9 & 10. If you look at the map, and the shaded area where the well site is located, within the circular area of Lot 8, this water line runs due south at approximately where the circle comes to intersect the easement along the southern boundary of Lot 8. It would appear that this water line also intersects and crosses lot 36 to the south. The Hill's indicate that there is no recorded easement. They would like the line either moved or lowered so that they could develop the balance of their property. They initially felt they had a strong case against Phillip, but I think they discovered there is language within the Rushlight covenant that states that water lines may exist pretty much everywhere. I do think all of this is somewhat vague.

The Hill's have agreed to give us a 20 ft. easement, south along the eastern property line of there portion of Lot 9 & 10, which would intersect with our proposed Lot 34. They have also agreed to give us an easement on the northern property line of Lot 9, south of the existing easement of Lot 8 running due west, to the western property line of Lot 9, and the intersection of Lot 8, Lot 9 and Lot 111.

In return the Hill's would like an easement crossing the southern and western property lines of our proposed Lot 9, to get to an area at the approximate intersection of the Southeast intersection of Lot 8/Northeast intersection of Lot 9. The Beach Barron's, a local Car Club, own the property east of Lots 5,6,7,8,and 9. During the Beach Barron's, Rod Run Car Show in September, the Hill's provide attendee's car parking for the show and would like to hold a Swap Meet in conjunction with the show on their Lots 9 & 10, and they would like to get access for pedestrian traffic across our proposed property to the Rod Run Field.

It would be nice if we could give the Hill's access adjacent to the circular area of the well site in Lot 8. but the Emond's may have issue with that.

I would like to accommodate the Hill's, and be a good neighbor, but we need to understand the economics, and the engineer involved. I will have to bring Tom Frare, our Water Engineer into the equation to determine what we can and cannot do, look at the bigger picture, and determine how it would impact our Comprehensive Plan. Tom Frare did indicate to me there were some engineering issues.

The Board will discuss this tomorrow evening, and we will probably send them a letter indicating our willingness to work with them, but I can not give them a total green light prior to the Public Hearing, as they have asked, scheduled for Thursday, December 15, 2005, in South Bend.

Before this hearing, I would like to understand all of these issues and determine if the water co. was given the ability to place their water lines on these properties, just in incase there is a challenge, we can nip it in the bud before someone makes an issue. We may not be able to determine anything, but I would like to try.

When we meet with Neil Emond's, I will update you with our findings.

R D

Response, so far:

12/12/05

David,

I've reviewed the documents that we received from the title company. Unfortunately, they did not send us the CCRs, but I've been told that they will be sent later today.

However, a few other issues to note:

First, the plat restrictions provide that no structures shall be constructed on or over any utility easement.

Second, if the water lines have been in the property for more than 10 years, the water company likely has an easement by prescription. The requisite elements of a prescriptive easement are: that the use be adverse to the right of the owner of the burdened property; that the use be open, notorious, continuous and uninterrupted over the prescriptive period; and that the owner of the burdened property had knowledge of such use at a time when he or she would have been able to assert and enforce his or her rights.

I'll let you know when I've received and reviewed the CCRs.

Thanks,

Marni


North Beach Public Development Authority


Resolution No. 04 - 2005

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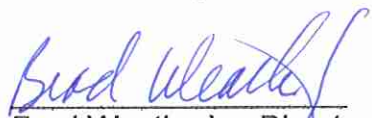
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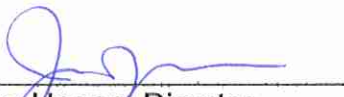
Signed this date; Monday, October 31, 2005


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