

EVERETT SCHOOL DISTRICT NO. 2

BOARD OF DIRECTORS

RESOLUTION NO. 811

A resolution declaring an emergency at Henry M. Jackson High School concerning incomplete improvements thereon, and authorizing the School District to take appropriate actions to prevent further damage and to make necessary repairs to such improvements.

WHEREAS, Everett School District No. 2 ("District") owns and operates the Henry M. Jackson High School, located at 1508 136th Street, in Mill Creek, Washington; and

WHEREAS, the District entered into a contract with StoneRidge Development Corporation ("StoneRidge") for the construction of certain improvements ("Improvements") at Henry M. Jackson High School; and

WHEREAS, the District required a performance and payment bond from StoneRidge prior to the start of construction, which was issued by The Ohio Casualty Insurance Company ("Surety"); and

WHEREAS, the District terminated the contract with StoneRidge prior to the completion of the Improvements; and

WHEREAS, the Improvements are not secure, are exposed to the elements and are vulnerable to material injury; and

WHEREAS, the Improvements have been subject to, and are in a condition likely to continue to be subjected to, immediate damage in the absence of prompt remedial action; and

WHEREAS, the District has taken and desires to immediately take further actions to prevent damage to the incomplete Improvements, and to make necessary repairs to the existing building areas where the Improvements are located so as to make them ready for school operations.

NOW, THEREFORE, BE IT RESOLVED that the District's Superintendent and her designees (including, but not limited to, the District's Director of Facilities and Planning and his designees), pursuant to RCW 28.335.190(5), are hereby authorized and directed to enter into one or more contracts with such contractor or contractors as they deem appropriate to take prompt remedial action, from time to time, to prevent damage to the Improvements and to make repairs to existing building areas so as to make them ready for school operations,

provided that such authorization to enter into such contracts under this resolution shall expire when a contractor, on behalf of the Surety, commences work to complete the Improvements;

AND FURTHER RESOLVED that actions already taken by the District's Superintendent and her designees (including, but not limited to, the District's Director of Facilities and Planning and his designees), to prevent damage to the Improvements and to make repairs to existing building areas are hereby ratified, affirmed and approved;

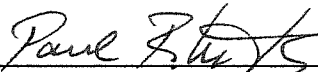
AND FURTHER RESOLVED that the District reserves the right to demand the completion of the Improvements from the Surety, and additionally to demand payment from the Surety for any actions taken by the District to prevent damage and to make necessary repairs to the Improvements, pending the Surety's completion of the work under the contract between StoneRidge and the District.

APPROVED this 14 day of Sept., 2004.

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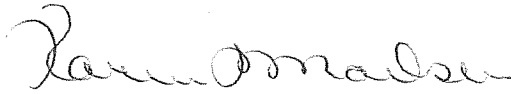
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