

EVERETT SCHOOL DISTRICT NO. 2
Snohomish County, Washington
September 14, 1998

RESOLUTION NO. 661

A Resolution of the Board of Directors ("Board") of Everett School District No. 2 ("District") accepting the contract work consisting of expansion and upgrade of the baseball facilities at Everett Memorial Stadium performed by Heritage Construction ("Contractor").

WHEREAS, the Board executed a construction contract ("Contract") with Contractor dated May 16, 1997 for expansion and upgrade of the baseball facilities at Everett Memorial Stadium. Contractor's work to be performed under the Contract is described in the Contract ("Work"); and

WHEREAS, the Work has been formally determined to be complete by Church Nickerson Jansen Associates ("Architect"); and

WHEREAS, the District has made final payment in the amount of \$74,134.90 to the Contractor; and

WHEREAS, after tendering final payment to the Contractor, the District received a Notice and Order to Withhold and Deliver from the Department of Revenue ("Department") requiring the District to deliver any amounts due to the Contractor to the Department; and

WHEREAS, the District has received the following notices of claims asserting unpaid labor and materials furnished by subcontractors or suppliers for the Work: (i) Summit Fence -- \$33,984.45; (ii) Retaining Wall Systems -- \$3,711.52; and

WHEREAS, the District accepted a bond in lieu of contract retainage from the Contractor pursuant to RCW 62.08.011(6) and, therefore, has not retained any portion of payments made to the Contractor pursuant to the Contract; and

WHEREAS, although the District has not received a final affidavit of debts and claims or subcontractor affidavits of payment from the Contractor which are required by the Contract, the Contract provides that the District may make final payment to the Contractor without waiving claims arising from liens, claims and encumbrances arising out of the Contract; and

WHEREAS, the Contractor has obtained and provided to the District a Labor and Materials Payment Bond as required by the Contract;

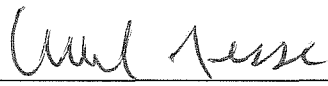
NOW, THEREFORE, be it resolved that:


(a) the Board (without waiving claims arising from liens, claims and encumbrances arising out of the Contract) declare, and hereby declares, the Work, as formally determined to be complete by the Architect, is accepted; and

(b) the Board authorize, and hereby authorizes, the Superintendent of the District (or the Superintendent's designee) to execute, acknowledge and deliver any and all other necessary documents (if any), and do any and all other things (if any) necessary and advisable to be done confirm the District's acceptance of the Work, all in accordance with applicable law.

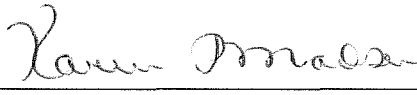
PASSED by the Everett School District's Board of Directors in open session at its regular meeting of September 14, 1998.

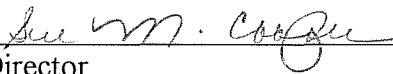
BOARD OF DIRECTORS


By 
President

By 
Vice President

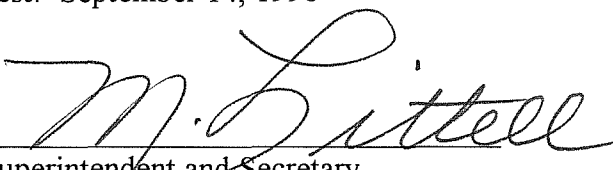
By _____
Director

By 
Director

By 
Director

By 
Director

Attest: September 14, 1998

By 
Superintendent and Secretary
for the Board