ORDINANCE NO. 2530

AN ORDINANCE of the City of Kent, Washington, relating to plats and subdivisions; amending the Kent Subdivision Code (Ordinance 1840) to authorize final plat approval of preliminary plats approved in King County, and to clarify the requirement for signatures necessary for short subdivision filing; ratifying and confirming previous amendments to the Subdivision Code.

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 2.2.8 of the Kent Subdivision Code is amended as follows:

The final short plat map which is submitted for filing shall conform to the following:

1) Must be a reproducible map drawn to scale on stabilized drafting film or on linen tracing cloth.
2) Size: 18" x 22"
3) Shall show all existing structures in relation to lot lines within or abutting short plat.
4) Shall show utilities, streets and easements within or abutting short plat.
5) Legal description of total parcel shall be shown on the final linen. Legals for each newly created lot must also be submitted to the Planning Department but do not have to be on final linen. All legal descriptions shall be metes and bounds descriptions reflecting within said descriptions ties to all subdivision lines, donation claim lines, and/or recording plat lines. [Amendment - per City Council action, 2/16/82]
6) All short plats shall be surveyed by a land surveyor licensed in the State of Washington. All exterior corners and streets shall be monumented.
7) Surveyor's certificate must appear on final linen.
8) Certificates of approval by Chairman of Short Subdivision Committee and King County Assessor must be provided on linen.
9) Face of final plat linen must be signed by owner(s) of property.
10) Provide a notarized certificate of the owner(s), contract purchaser, grantor of a deed of trust, or other holder of beneficial title to the property being subdivided indicating that the short subdivision is made with free consent and in accordance with their desires.

a. If the short subdivision is subject to deeding of property(s), the notarized certificate shall be signed by all parties having any ownership interest in the lands subdivided.

b. For purposes of this section, "ownership interest" shall include: legal and equitable property interests, including, but not limited to, present, future, contingent or whole fee interests, together with a beneficiary's interest pursuant to a trust and contract interest pursuant to a specifically enforceable contract for the purchase of the said real property.

11. Include a current title report confirming that the title of the lands as described and shown on the plat is in the name of the owner(s) signing the plat certification.

Section 2. A new Section 2.3.3 is added to the Kent Subdivision Code as follows:

Section 2.3.3 Property Annexed to City with Preliminary Plat Approval in County

In instances where property annexed to the City has received preliminary plat approval from King County prior to annexation, the following review shall occur:

1. City Staff Review

The Planning Department, Public Works Department, Fire Department and Building Department shall review the plat. City plan checking review and inspections shall be subject to fees pursuant to Public Works Ordinance 2203, as amended.

2. General Requirements and Findings

If the City staff finds that the preliminary plat complies with the following requirements, the subdivision can proceed to the final plat stage without a preliminary plat hearing by the Hearing Examiner and City Council:

a) Overall density of the subdivision shall not exceed the maximum density allowed pursuant to the Kent Zoning Code. Lot size and lot width requirements need not comply with Zoning Code so long as overall density complies with the Code.
b) Adequate provision shall be made for open space, drainage ways, streets, alleys, public ways, water, sanitary wastes, parks, playgrounds, sites for schools and school grounds. These are to be developed in accordance with Kent standards in effect at the time of submittal of the subdivision application to the City. The City may add conditions to the preliminary plat in order to ensure conformance with City of Kent standards.

c) No detriment occurs to its surroundings.

3. Expiration Date
The preliminary plat shall comply with Section 2.3.2 8) pertaining to expiration of the preliminary plat. The date of approval will be that date on which King County approved the preliminary plat.

4. Installation of Improvements of Bonding in Lieu of Improvements
If the improvements are not constructed prior to annexation to the City, the subdivision must comply with Section 2.3.4 of this Code.

5. Final Plat Procedures
The procedures for final plat shall be the same as those outlined in Section 2.3.5 of this Code.

Section 3. Section 2.3.3 of the Kent Subdivision Code is renumbered as follows:

Section 2.3.((~))4. Installation of Improvements or Bonding in Lieu of Improvements.

1) Required Improvements. The following tangible improvements may be required before a final plat is submitted: ((every subdivider may be required to)) grading and paving of streets and alleys, installation of curbs, ((and)) gutters, sidewalks, monuments, sanitary and storm sewers, street lights, water mains and street name signs, together with all appurtenances thereto ((in accordance with)) to specifications and standards of this code, approved by the Engineering Department and in accordance with other standards of the City.
2) **Inspection, Approval and Fees.** The Engineering Department shall be responsible for the supervision, inspection and acceptance of all subdivision improvements and shall make a charge therefore to the subdivider in the amount of the hourly cost to the City of Kent. The hourly cost shall include the salary and benefits of the inspector.

3) **Permits.** Prior to proceeding with subdivision improvements, the subdivider shall make application for such permits from the City as are necessary. The applicant is also responsible for complying with all permit requirements of other federal, state and local agencies.

4) **Deferred Improvements.** No final plat shall be submitted to the City Council until all improvements are constructed in a satisfactory manner and approved by the responsible departments or a bond approved by the City has been posted for deferred improvements.

   a) **Bonds.** If a developer wishes to defer certain on-site improvements, written application shall be made to the Engineering and Planning Departments stating the reasons why such delay is necessary. If the deferment is approved, the developer shall furnish a performance bond to the City in an amount equal to a minimum of one hundred fifty (150) percent of the estimated cost of the required improvements. The decision of the City Engineer and Planning Director as to amount of such bond shall be conclusive.

   b) **Time Limit.** Such bond shall list the exact work that shall be performed by the applicant and shall specify that all of the deferred
improvements be completed within the time established by the Department of Engineering; and if no time is established, then not later than one (1) year after approval of the final plat by the City Council. The bond shall be held by the City Clerk.

c) **Check in Lieu of Bond.** The developer may substitute a certified or cashier's check or assignment of funds in lieu of a performance bond. Such check or assignment shall be made payable to the City Treasurer and shall be in the same amount as the bond it is substituting.

d) **Proceed against Bond or Other Security.** The City reserves the right, in addition to all other remedies available to it by law, to proceed against such bond or other payment in lieu thereof. In case of any suit or action to enforce any provisions of this code, the developer shall pay (unto) the City all costs incidental to such litigation including reasonable attorney's fees. The applicant shall enter into an agreement with the City requiring payment of such attorney's fees.

e) **Binding Upon Applicant.** The requirement of the posting of any performance bond or other security shall be binding on the applicant, his heirs, successors and assigns.

f) **Notification to Planning Department.** The City Engineer shall notify the Planning Department in writing of the following: the improvements deferred, amount of bond or check deposited, time limit of bond or check, name of bonding company, and any other pertinent information.
5) **Certificates of Completion.** The Engineering Department shall submit a certificate in duplicate to the Planning Department verifying that the subdivider has completed the required installations and/or bonding in accordance with the provisions of this code and the specifications and standards of the departments. One (1) copy of the completed certificate shall be furnished to the subdivider by the Planning Department together with a notice advising him to proceed with preparation of a final plat for that portion of the area in which minimum improvements have been installed and approved or adequate security has been posted as provided in Section 2.3.3 4). Certificate originals shall be retained by the Planning Department.

**Section 4.** Section 2.3.4 of the Kent Subdivision Code is renumbered as follows:

**Section 2.3.(4)5. Final Plat Procedures**

1) **Application**

a) Application for final map shall be filed with the Planning Department on forms prescribed by the Planning Department.

b) Eleven (11) copies of the final plat plus the original shall be submitted; said plat shall be prepared by a land surveyor registered in accordance with the requirements of RCW 18.43, and shall conform to the preliminary plat.

Application fees are contained in City of Kent Ordinance #2026. ([Amendment — per City Council action 4/18/77])

2) **Final Plat Requirements** ([Amendment — per City Council action, 12/3/73])
The final plat shall be drawn to a scale of not less than one (1) inch representing one hundred (100) feet unless otherwise approved by the Engineering Department, and on sheets eighteen by twenty-two (18 x 22) inches. The original drawing shall be in black ink on linen tracing cloth or on stabilized drafting film, and shall: 

((contain the following information:))

(1) Include the date, title, name and location of subdivision, graphic scale, and true north point.

(2) Display the lines of all streets and roads, alley lines, lot lines, lot and blocks numbered in numerical order, reservations, easements, and any areas to be dedicated to public use, with notes stating their purpose and any limitations.

((Sufficient data to)) Contain data sufficient determine readily and reproduce on the ground the location, bearing, and length of every street, easement line, lot line, boundary line and block line on site.

((All)) Include dimensions to the nearest one-hundredth (1/100) of a foot and angles and bearings in degrees, minutes, and seconds.

Include Lambert Coordinates, if provided by the Public Works Department, for permanent control monuments ((shall be shown)) on the final plat as determined by the City Engineer's office.
(6) Display all interior permanent control monuments (shall be) located as determined by the City Engineer's office. (And shall be clearly shown on the final plat.) All interior monuments shall be installed prior to the release of any bond.

(7) ((The final plat shall)) Be mathematically correct.

(8) ((The final plat shall)) Be accompanied by an approved printed computer plot closure or demonstrated mathematical plot closure on all lots, streets, alleys and boundaries.

(9) Contain a legal description of the land to be subdivided (shall be shown) on both the title report and final linen. Legal description shall be metes-and-bounds description reflecting within said description ties to all subdivision lines, donation claim lines, and/or recorded plat lines. ((Amendment per City Council action, 2/17/81))

(10) Be accompanied by a complete survey of the section or sections in which the plat or replat is located, or as much thereof as may be necessary to properly orient the plat within such section or sections. The plat and section survey shall be submitted with complete field and computation notes showing the original or re-established corners with descriptions of the same and the actual traverse showing error of closure and method of balancing. A sketch showing all distances, angles and calculations
required to determine corners and
distances of the plat shall accompany
this data. The allowable error of
closure shall not exceed one (1) foot in
five thousand (5000) feet.

b) **Final plat certificates.** In addition to other
requirements as specified herein, the final
plat shall contain or be accompanied by the
following:

1. Certification showing that streets,
   rights-of-way and all sites for public
   use have been dedicated.

2. Certification by a licensed land surveyor
   that a survey has been made and that
   monuments and stakes will be set.

3. Certification by the responsible health
   agencies that the methods of sewage
   disposal and water service are acceptable.

4. Certification by the Engineering
   Department that the subdivider has
   complied with either of the following
   alternatives:

   a) All improvements have been installed
      in accordance with the requirements
      of these regulations, or

   b) Certain improvements have been
      deferred according to Section 2.3.3
      4), Deferred Improvements.

5. The subdivider shall furnish the City a
   plat certificate from a title insurance
   company documenting the ownership and
   title of all interested parties in the
plat, subdivision, or dedication and listing all encumbrances. The certificate shall be dated within forty-five (45) days prior to the granting of the final plat by the City Council.

(6) Certification by the King County Finance Department that taxes have been paid in accordance with Section 1, Chapter No. 188, Laws of 1927 (RCW 58.08.030 & 040) and that a deposit has been made with the King County Finance Department in sufficient amount to pay the taxes for the following year.

(7) Certification by the City Treasurer that there are no delinquent special assessments and that all special assessments certified to the City Treasurer for collection on any property herein contained dedicated for streets, alleys or other public uses are paid in full.

(8) Certification of approval to be signed by the City Engineer and the Planning Director.

(9) Certification of approval to be signed by the Mayor and the City Clerk.

(10) Copies of any restrictive covenants as may be used in the subdivision.

3) **Referral to Other Departments and Agencies.** The Planning Department shall distribute the final plat to all departments and agencies receiving the preliminary plat, and to any other departments,
utility agencies and other governmental agencies deemed necessary.

4) **City Council Public Hearings.** At its first public meeting following the date the final plat application has been officially accepted by the Planning Department, the City Council shall set a date for a public hearing or meeting to consider the final map. The final plat shall be approved, disapproved or returned to the applicant for modification or correction within thirty (30) days of the date of application thereof, unless the applicant consents to an extension of such time period.

5) **Filing Final Plat.** Before the final plat is submitted to the City Council, it shall be signed by the City Engineer and Planning Director. After the final plat is approved by the City Council, it shall be signed by the Mayor and the City Clerk. The final plat shall be filed with the King County Department of Records and Elections by the City.

6) **Expiration of Plat After Council Approval.** If a final plat has not been recorded within six (6) months after approval by the City Council, the map shall expire and be null and void. To revitalize the expired map, the map shall be resubmitted as a preliminary map. One (1) extension to the six (6) month period may be granted by the City Council.

**Section 5.** Section 2.2.4 of the Kent Subdivision Code is amended as follows:

1) **Application.** Application for a short subdivision shall be made with the Planning Department on forms prescribed by that Department. Said application shall be accompanied by ten (10) copies of the Short Subdivision Plat.

2) The Short Subdivision Plat shall conform to the following requirements:
a) Shall be a neat and approximate drawing on reproducible material at a decimal scale. The Plat map shall measure between 8-1/2" x 11" and 18" x 22".

b) Shall show how the proposed subdivision will be served by streets and utilities. Show how access will be provided to all lots and location of sewer and water lines. ([Amendment — per City Council action, 2/17/81])

c) Shall show all existing structures and distances from any existing and proposed lot lines within or abutting the short plat. ([Amendment — per City Council action, 2/17/81])

(d) Each application for a Short Subdivision shall be accompanied by a current title report. ([Amendment — per City Council action, 12/15/75 and 2/17/81])

(e) (d) All short plats shall be surveyed by a land surveyor licensed in the State of Washington. All exterior corners and streets shall be monumented. ([Amendment — per City Council action, 2/16/82])

Section 6. Council amendments to the Subdivision Code, as referenced in Sections 1-5, above, are hereby ratified and confirmed.

Section 7. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

ISABEL HOGAN, MAYOR

ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

P. STEPHEN DIJULIO, CITY ATTORNEY
PASSED the 4th day of February, 1985.
APPROVED the 6th day of February, 1985.
PUBLISHED the 8th day of February, 1985.

I hereby certify that this is a true copy of Ordinance No. 2530, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]
MARIE JENSEN, CITY CLERK

(SEAL)