ORDINANCE NO. 3002

AN ORDINANCE of the City of Kent, Washington, relating to platting and subdivision, correcting the recorded plat of Walkers Acres, No. SP-90-22, to depict the declaration of private access easements and utility easements thereon.

WHEREAS, the short subdivision entitled "Walkers Acres," short plat No. SP-90-22 (the "Plat" hereinafter) was conditionally approved on January 17, 1991 by the City of Kent; and

WHEREAS, of the conditions imposed by the City upon the short subdivision (as set forth in Exhibit A hereto), some were to be completed prior to the recording of the Plat and some were to be delineated on the face of the final Plat prior to recordation; and

WHEREAS, the final, approved Plat was submitted for recording to the King County Department of Records and Elections and was given Recording Number 9103010512 thereby; and

WHEREAS, it has been brought to the City's attention that the Plat as recorded is different from the Plat submitted to the County, and that the discrepancies include, but are not limited to the deletion of the private easement declaration and all utility easements for side sewers or water service lines from the recorded Plat; and
WHEREAS, it appears that such unauthorized deletions took place after the original mylar of the Plat was submitted to the County for recordation, and that the City otherwise would not have approved the Plat as presently recorded under Recording Number 9103010512; and

WHEREAS, state law provides a procedure for the correction of a recorded plat, to be followed whenever the recorded plat of a city does not definitely show the location or width of any street or alley (RCW 58.10.030); and

WHEREAS, since the statute does not differentiate between private and publicly dedicated rights-of-way, the Kent City Council finds that the correction of the Plat to appropriately depict all required conditions through recordation of the corrected Plat shall occur as set forth in RCW 58.10.030; NOW, THEREFORE,

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

Section 1. The Property Manager of the City of Kent is hereby directed to certify, on the face of the corrected Plat of Walkers Acres, that the plat recorded under King County Auditor's File No. 9103010512 has been corrected to include all conditions imposed by the City, and which were to be depicted on the face of the plat, as set forth in the City's approval of short plat No. SP-90-22 (attached hereto as Exhibit A) and finally, that this ordinance has been recorded in the records of the King County Department of Records and Elections in order to correct the plat recorded under King County Auditor's File No. 9103010512.
Section 2. The Property Manager of the City is hereby authorized to submit the corrected Plat of Walkers Acres and a copy of this Ordinance for recording in the King County Department of Records and Elections.

Section 3. Any acts made consistent with the authority and prior to the effective date of this Ordinance are hereby ratified and confirmed.

Section 4. Effective date. This ordinance shall take effect and be in force thirty (30) days from the time of its final passage as provided by law.

ATTEST:

BRENDA JACOBER, DEPUTY CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED the 17 day of September, 1991.
APPROVED the 18 day of September, 1991.
PUBLISHED the 20 day of September, 1991.
I hereby certify that this is a true and correct copy of Ordinance No. 3002, 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]
BRENDA JACOBER, DEPUTY CITY CLERK
(EXHIBIT "A")

FINAL DECISION

The application for approval of the Walkers Acres #SP-90-22 Short Subdivision is APPROVED subject to the following conditions:

A. Prior to Recordation of Short Plat

1. Locate Garrison Creek and Benson Creek, and the top of the associated ravine, with respect to the subject property. Show their location on the final plat mylar or linen.

2. The final plat mylar or linen shall bear a notation that states that a 75-foot setback of impervious surfaces from the top of the ravine is required.

3. The final plat mylar or linen shall bear a note that states, "development on all lots shall comply with City of Kent solar access setback standards. Contact the Kent Planning Department".

4. The final plat mylar or linen shall bear a note that states, "a tree plan for all lots showing all trees six inches in diameter or greater, and their relationship to any proposed structure, must be approved by the Planning Department prior to the issuance of a development permit for any lot."

5. No vegetation below the 75-foot setback line from the ravine shall be disturbed. The final plat mylar or linen shall bear a note that states same.

6. Execute a no-protest LID agreement for the future widening and improvement of 100th Avenue SE to City of Kent standards for residential collector.

7. Reserve easements to the City for utilities, slope protection and recreation upon sale of the property. Said easements shall be delineated on the face of the final plat. The limits of said easements shall be approved by the Public Works Director.

8. Provide private access and utility easements for the future installation of side sewers and water service lines and access road to Lots 3 and 4. Said easements shall be shown on the face of the final plat.

9. Connect the existing residence to the public sanitary sewer system in 100th Avenue SE. Abandon the existing septic system in accordance with King County Health Department requirements.

END
WALKER'S ACRES 5.P. 90-22
PORTION OF NE 1/4 NE 1/4, 18-22-5

(COPY OF WHAT WAS SUBMITTED FOR RECORDING

PRIVATE EASEMENT DECLARATION

1. ALL LOTS ARE SUBJECT TO AN EASEMENT FOR MISCUTTER, Reason: SEWER, EASEMENTS AS

2. LOT B, SUBJECT TO AN EASEMENT FOR MISCUTTER, Reason: SEWER, EASEMENTS AS

3. LOT C, SUBJECT TO AN EASEMENT FOR MISCUTTER, Reason: SEWER, EASEMENTS AS

LEGAL DESCRIPTION


EASEMENT RESERVATIONS

THE EASEMENTS AS SHOWN ON THIS MAP ARE HEREDITARY EASEMENTS TO THE CITY OF SEWER, Reason: SEWER, EASEMENTS AS

RESTRICTIONS

A 19'-FOOT SETBACK OF IMPROVEMENTS FROM THE TOP OF THE RAILING IS REQUIRED. DEVELOPMENT ON ALL LOTS IS LIMITED BY THE CITY OF SEWER, EASEMENTS AS

RECORDING

WWW.KINGCOUNTY.WA.US/RECORDING/RECORDS

LEGEND

S

WALKER'S ACRES SHORT PLAT
APPROVED BY THE CITY OF SEWER, EASEMENTS AS

SURVEYOR'S CERTIFICATE

THIS MAP REPRESENTS A SURVEY MADE IN CONFORMITY WITH THE PROVISIONS OF THE SURVEYING ACT AND THE REQUIREMENTS OF THE CITY OF SEWER, EASEMENTS AS

KING COUNTY ASSESSOR'S OFFICE

RENO CRESSE (R.O.G)
COUNTY ASSessor

LEGEND

EXISTING MONUMENTAL

DEED ECCESS

TOP OF RAILING

END

EASEMENT

WALKER'S ACRES SHORT PLAT
APPROVED BY THE CITY OF SEWER, EASEMENTS AS

READER: CLINTON A. ROY

RECORDING

WWW.KINGCOUNTY.WA.US/RECORDING/RECORDS

LEGEND

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