Ordinance No. 3763

(Amending or Repealing Ordinances)

CFN=121 – Rezones
Passed – 9/20/2005
Daljit Cove Rezone

Recorder’s # 20051017002906

The date ["Beginning July 1, 1998"] has led to confusion This date will be deleted from cover sheets of ordinance/resolution revision pages This cover sheet will be deleted on electronic pages only, no other deletions or changes have been made to the document – 6/21/2012
ORDINANCE NO. 3763

AN ORDINANCE of the City Council of the City of Kent, Washington, relating to land use and zoning, specifically the rezoning of approximately 4.25 acres of property located at 22604 and 22522 94th Avenue South from Single Family Residential 4.5 units per acre (SR-4.5) to Single Family Residential 6 units per acre (SR-6). (Daljit Cove Rezone, #RZ-2004-5).

RECITALS

A. An application to rezone approximately 4.25 acres of property located at 22604 and 22522 94th Avenue South, Kent, Washington from the current zoning of from Single Family Residential 4.5 units per acre (SR-4.5) to Single Family Residential 6 units per acre (SR-6), was filed on December 3, 2004, by Aleanna Kondelis, Cramer NW Inc. (Daljit Cove, #RZ-2004-5).

B. The City’s SEPA responsible official issued a Determination of Nonsignificance (DNS) (#ENV-2005-18) for the proposed rezone on June 15, 2005. A public hearing on the rezone was held before the hearing examiner on July 20, 2005.

C. On August 3, 2005, the hearing examiner issued findings and conclusions that the Daljit Cove Rezone is consistent with the city’s Comprehensive Plan, that the proposed rezone and subsequent development activity would be compatible with the development in the vicinity, that the proposed rezone will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts that cannot be mitigated, that circumstances have changed since the

Daljit Cove Rezone
establishment of the current zoning district to warrant the proposed rezone, and that the proposed rezone will not adversely affect the health, safety, and general welfare of the citizens of the City of Kent.

D. Based on these findings and conclusions, the hearing examiner recommended approval of the Daljit Cove Rezone.

E. On September 6, 2005, the City Council determined that the hearing examiner's findings and conclusions are consistent with sections 15.09.050(A)(3) and 15.09.050(C) of the Kent City Code, accepted the findings of the hearing examiner, and adopted the hearing examiner's recommendation for approval of the Daljit Cove Rezone from Single Family Residential 4.5 units per acre (SR-4.5) to Single Family Residential 6 units per acre (SR-6).

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

ORDINANCE

SECTION I. – Rezone. The property located at 22604 and 22522 94th Avenue South, Kent, Washington consisting of approximately 4.25 acres depicted in Exhibit "A" (marked "Vicinity Map"), attached and incorporated by this reference, and legally described in Exhibit "B", attached and incorporated by this reference, is rezoned from Single Family Residential 4.5 units per acre (SR-4.5) to Single Family Residential 6 units per acre (SR-6). The City of Kent zoning map shall be amended to reflect the rezone granted above.
SECTION 2. – Severability. If any one or more sections, sub-sections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 3. – Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage as provided by law.

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED:  20  day of September, 2005.

APPROVED:  20  day of September, 2005.

PUBLISHED:  24  day of September, 2005.

I hereby certify that this is a true copy of Ordinance No. 8763 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER  (SEAL)

BRENDA JACOBER, CITY CLERK
APPLICATION NAME: DALJIT COVE

REQUEST: #RZ-2004-5 AND #SU-2004-2

VICINITY MAP

EXHIBIT "A"
LEGAL DESCRIPTION:

(PER FIDELITY NATIONAL TITLE CO. ORDER NO. 0358676)

PARCEL A:

THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER
OF SECTION 18, TOWNSHIP 22 NORTH, RANGE 5 EAST, W.M., RECORDS OF KING
COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON
THE WESTERLY LINE OF SAID SUBDIVISION 861.37 FEET SOUTH OF THE NORTHWEST
CORNER THEREOF; THENCE SOUTHERLY ALONG SAID WESTERLY LINE 165.23 FEET;
THENCE EAST ALONG THE SOUTH LINE OF THE NORTH 826.6 FEET OF SAID SUBDIVISION
AND THE INTERSECTION WITH THE EASTERLY RIGHT OF WAY MARGIN OF 94TH AVENUE
SOUTH AND THE TRUE POINT OF BEGINNING; THENCE NORTH 89°51'56" EAST ALONG
SAID SOUTH LINE OF THE NORTH 826.6 FEET A DISTANCE OF 280.07 FEET; THENCE
NORTH 01°09'09" EAST 128.28 FEET; THENCE SOUTH 89°51'56" WEST 92.89 FEET,
THENCE NORTH 74°37'12" WEST 33.89 FEET; THENCE 89°51'56" WEST 154.28 FEET
TO THE EASTERLY MARGIN OF 94TH AVENUE SOUTH; THENCE SOUTH 01°09'09" WEST
ALONG SAID EASTERLY MARGIN 135.15 FEET TO THE TRUE POINT OF BEGINNING;
(ALSO KNOWN AS PARCEL A OF KING COUNTY LOT LINE ADJUSTMENT NO. S92L0128).

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

PARCEL B:

THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER
OF SECTION 18, TOWNSHIP 22 NORTH, RANGE 5 EAST, W.M., RECORDS OF KING
COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON
THE WESTERLY LINE OF SAID SUBDIVISION 861.37 FEET SOUTH OF THE NORTHWEST
CORNER THEREOF; THENCE SOUTHERLY ALONG SAID WESTERLY LINE 165.23 FEET;
THENCE EAST 1282.405 FEET; THENCE NORTH 00°56'14" EAST 165.235 FEET, MORE
OR LESS, TO A POINT EAST OF THE POINT OF BEGINNING; THENCE WEST 1282.47 FEET,
MORE OR LESS TO THE POINT OF BEGINNING; EXCEPT THAT PORTION THEREOF LYING
WEST OF THE EAST LINE OF A STRIP OF LAND 60 FEET IN WIDTH CONVEYED TO KING
COUNTY FOR ROAD PURPOSES, BY DEED FILED UNDER RECORDING NO. 2725953,
RECORDS OF KING COUNTY, WASHINGTON;

EXCEPT THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER
OF SECTION 18, TOWNSHIP 22 NORTH, RANGE 5 EAST, W.M., RECORDS OF KING
COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON
THE WESTERLY LINE OF SAID SUBDIVISION 861.37 FEET SOUTH OF THE NORTHWEST
CORNER THEREOF; THENCE SOUTHERLY ALONG SAID WESTERLY LINE 165.23 FEET;
THENCE EAST ALONG THE SOUTH LINE OF THE NORTH 826.6 FEET OF SAID SUBDIVISION
AND THE INTERSECTION WITH THE EASTERLY RIGHT OF WAY MARGIN OF 94TH AVENUE
SOUTH AND THE TRUE POINT OF BEGINNING; THENCE NORTH 89°51'56" EAST ALONG
SAID SOUTH LINE OF THE NORTH 826.6 FEET A DISTANCE OF 280.07 FEET; THENCE
NORTH 01°09'09" EAST 128.28 FEET; THENCE SOUTH 89°51'56" WEST 92.89 FEET,
THENCE NORTH 74°37'12" WEST 33.89 FEET; THENCE 89°51'56" WEST 154.28 FEET
TO THE EASTERLY MARGIN OF 94TH AVENUE SOUTH; THENCE SOUTH 01°09'09" WEST
ALONG SAID EASTERLY MARGIN 135.15 FEET TO THE TRUE POINT OF BEGINNING;
(ALSO KNOWN AS PARCEL B OF KING COUNTY LOT LINE ADJUSTMENT NO. S92L0128).

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

TAX LOT NO. 182205-9235

THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18,
TOWNSHIP 22 NORTH, RANGE 5 EAST, W.M., LYING EASTERLY OF 94TH AVENUE SOUTH
DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 496 FEET SOUTH OF THE NORTHWEST
CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 18;
THENCE SOUTH 165.37 FEET; THENCE EAST 1282.47 FEET; THENCE NORTH 165.37 FEET;
THENCE WEST 1282.47 FEET TO THE POINT OF BEGINNING; EXCEPT THE SOUTH 80 FEET
OF THE WEST 150 FEET.

EXHIBIT "B"
Document Title: City of Kent Ordinance No. 3763 authorizing the rezoning of approximately 4.25 acres of property located at 22604 and 22522 94th Avenue South from Single Family Residential 4.5 units per acre (SR-4.5) to Single Family Residential 6 units per acre (SR-6). (Daljit Cove Rezone, #RZ-2004-5).

Reference Number(s): N/A

Grantor(s): City of Kent, a Washington municipal corporation

Grantee(s): The Public

Abbreviated Legal Description: Ptn. of NW¼ of NE ¼ of STR 18-22-05, W.M., King County

Additional legal description is on Exhibit “B” of document.

Assessor’s Property Tax Parcel/Account Number(s): 182205-9221, 182205-9076, and 182205-9235

Project Name: Daljit Cove Rezone