Ordinance No. 3787

(Amending or Repealing Ordinances)

CFN=121 – Rezones
Passed – 2/7/2006
Sophia Glenn/Brenna’s Vista II Rezone

Recorder’s # 20060303001821

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. 3787

AN ORDINANCE of the City Council of the City of Kent, Washington, relating to land use and zoning, specifically the rezoning of approximately 22.3 acres of property located at 20227 and 20429 92nd Avenue South from SR-4.5 (Single-Family Residential, 4.5 units per acre) to SR-6 (Single-Family Residential, 6 units per acre). (Sophia Glenn/Brenna’s Vista II Rezone, #RZ-2005-1).

REQUITALS

A. An application was filed on January 18, 2005, by Pacific West Development LLC, to rezone approximately 22.3 acres of property located at 20227 and 20429 92nd Avenue South, in Kent, Washington, from the current zoning of SR-4.5 (Single-Family Residential, 4.5 units per acre) to SR-6 (Single-Family Residential, 6 units per acre). (Sophia Glenn/Brenna’s Vista II Rezone, #RZ-2005-1).

B. The City’s SEPA responsible official issued a Determination of Nonsignificance (DNS) (#ENV-2005-3) for the proposed rezone on September 7, 2005.

C. A public hearing on the rezone was held before the hearing examiner on October 5, 2005. On October 19, 2005, the hearing examiner issued findings and conclusions that the Sophia Glenn/Brenna’s Vista II 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 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 Sophia Glenn/Brenna’s Vista II Rezone.

E. The City Council considered the matter on December 13, 2005. The vote on a motion to approve the rezone resulted in a tie. Because the motion before the council was to approve the substantive passage of an ordinance, the mayor, by state law, did not possess tie breaking authority. Additionally, state law also requires that at least a majority of the full council approve the passage of an ordinance. Accordingly, an insufficient number of councilmembers voted in favor of the motion and further, the tie vote failed for want of a majority under Robert’s Rules of Order. At the regular council meeting on January 17, 2006, Councilmember Harmon put the full council on notice that a motion would be made on February 7, 2006, to rescind and amend the earlier vote on the December 13 motion. On February 7, 2006, the city council rescinded the December 13, 2005, action, and a majority of 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 Sophia Glenn/Brenna’s Vista II Rezone from SR-4.5 to SR-6.

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

Sophia Glenn/
Brenna’s Vista II Rezone
ORDINANCE

SECTION 1. - Rezone. The property located at 20227 and 20429 92nd Avenue South, Kent, Washington consisting of approximately 22.3 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 SR-4.5 (Single-Family Residential, 4.5 units per acre) to SR-6 (Single-Family Residential, 6 units per acre). 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.
PASSED: 7 day of February, 2006.
APPROVED: 7 day of February, 2006.
PUBLISHED: 11 day of February, 2006.

I hereby certify that this is a true copy of Ordinance No. 3787 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

Mary J. LeVine
BRENDA JACOBER, CITY CLERK
Mary Simmons, Deputy City Clerk

Sophia Glenn/
Brenna's Vista II Rezone
## LEGAL DESCRIPTIONS

<table>
<thead>
<tr>
<th>Parcel 062205-9007:</th>
<th>9.41 Acres</th>
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<tbody>
<tr>
<td>THAT PORTION OF THE SOUTH ¼ OF THE NORTHEAST ¼ OF SECTION 6, TOWNSHIP 22 NORTH, RANGE 5 EAST, W.M., LYING EASTERLY OF PARIMARY STATE HIGHWAY NO. 5 AS CONVEYED UNDER RECORDING NO. 5408026 AND AS CONDEMED IN KING COUNTY SUPERIOR COURT CAUSE NO. 573456;</td>
<td></td>
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<tr>
<td>EXCEPT THE SOUTH 130 FEET OF THE NORTH 160 FEET OF THE EAST 170 FEET THEREOF,</td>
<td></td>
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<tr>
<td>AND EXCEPT THE SOUTH 125 FEET OF THE EAST 230 FEET THEREOF;</td>
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<tr>
<td>AND EXCEPT THE EAST 30 FEET OF THE REMAINDER AS CONVEYED TO KING COUNTY FOR 92ND AVENUE SOUTH UNDER RECORDING NO. 665910;</td>
<td></td>
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<td>SITUATED IN THE CITY OF KENT, COUNTY OF KING, STATE OF WASHINGTON</td>
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<tr>
<th>Parcel 062205-9025:</th>
<th>9.27 Acres</th>
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<tr>
<td>THAT PORTION OF THE NE 1/4 OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 6, TOWNSHIP 22 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF PARIMARY STATE HIGHWAY NO. 5; EXCEPT THE EAST 30' FEET THEREOF CONVEYED TO KING COUNTY FOR 92ND AVE SOUTH BY DEED RECORDED UNDER RECORDING NO. 665910;</td>
<td></td>
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<tr>
<td>SITUATED IN THE CITY OF KENT, COUNTY OF KING, STATE OF WASHINGTON.</td>
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<tr>
<th>Parcel 062205-9034:</th>
<th>1.99 Acres</th>
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<tr>
<td>That portion of the southeast quarter of the southwest quarter of Section 6, Township 22 North, Range 5 East, W.M., in King County, Washington, described as follows:</td>
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<tr>
<td>Beginning at a point which is north 0°42' 33” East 995 95 feet from the south quarter corner of said Section 6,</td>
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<tr>
<td>Thence north 0° 42' 33” East 135 feet;</td>
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</tr>
<tr>
<td>Thence north 89° 53' 05” West 572.54 feet,</td>
<td></td>
</tr>
<tr>
<td>Thence south 1° 35’ 05” East 135.02 feet,</td>
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</tr>
<tr>
<td>Thence south 89° 53’ 05” East 568 feet to the point of beginning, EXCEPT county road</td>
<td></td>
</tr>
<tr>
<td>SUBJECT TO Easements, restriction and reservations of record</td>
<td></td>
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<tr>
<td>Situate in King County, State of Washington</td>
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</tbody>
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**EXHIBIT "B"**

Page 1 of 2
Parcel 062205-9045: 1.69 Acres

That portion of the southeast quarter of the southwest quarter of Section 6, Township 22 North, Range 5 East, W.M, in King County, Washington, described as follows:

Beginning at a point which is north 0°42' 33" East 1130.88 feet from the south quarter corner of said Section, said point beginning on the north and south center line of said Section 6,
Thence North 89° 53' 05" west 160 feet to the TRUE POINT OF BEGINNING,
Thence North 0° 42' 33" east 187.21 feet,
Thence North 89° 53' 05" west 430 feet, more or less to the easterly line of Primary State Highway No 5, as conveyed to the State of Washington by Deed recorded under Recording Number 5373958;

Thence southerly along said easterly line 188 feet, more or less, to a point which bears north 89° 53' 05" west from the TRUE POINT OF BEGINNING,

TOGETHER WITH an easement for driveway purposes as established in document recorded under Recording Number 590405 and as modified by document recorder under Recording Number 9210081254

SUBJECT TO Easements, restriction and reservations of record
Situate in King County, State of Washington

EXHIBIT "B"
Page 2 of 2
WASHINGTON STATE COUNTY AUDITOR/RECORDER’S COVER SHEET

Document Title: City of Kent Ordinance No. 3787 authorizing the rezoning of approximately 22.3 acres of property located at 20227 and 20429 92nd Avenue South from Single Family Residential 4.5 units per acre to Single Family Residential 6 units per acre. (Sophia Gleen/Brenna’s Vista II Rezone, #RZ-2005-1).

Reference Number(s): N/A

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

Grantee(s): The Public

Abbreviated Legal Description: Ptn. of STR 06-22-5, City of Kent, W.M., King County

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

Assessor’s Property Tax Parcel/Account Number(s): 0622059007, 0622059025, 0622059034, and 0622059045

Project Name: Sophia Glenn/Brenna’s Vista II Rezone

Said document(s) were filed for record by Pacific Northwest Title as accommodation only. It has not been examined as to proper execution or as to its affect upon title.