Ordinance No. 3814

(Amending or Repealing Ordinances)

CFN=121 – Rezones
Passed – 9/5/2006
Westview Malik Rezone

Recorder’s # 20060919001987

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. 3814

AN ORDINANCE of the City Council of the City of Kent, Washington, relating to land use and zoning, specifically the rezoning of approximately 3.92 acres of property located west of 94th Avenue South, between South 242nd Street and South 244th Street, from SR-4.5 (Single-Family Residential, 4.5 units per acre) to SR-8 (Single-Family Residential, 8 units per acre). (Westview Malik Rezone, #RZ-2006-7)

RECITALS

A. An application was filed on April 17, 2006, to rezone approximately 3.92 acres of property located west of 94th Avenue South, between South 242nd Street and South 244th Street, in Kent, Washington, from the current zoning of SR-4.5 (Single-Family Residential, 4.5 units per acre) to SR-8 (Single-Family Residential, 8 units per acre). (Westview Malik, #RZ-2006-7).

B. The City's SEPA responsible official issued a Mitigated Determination of Nonsignificance (MDNS) (#ENV-2005-24) for the proposed rezone on June 20, 2006.

C. A public hearing on the rezone was held before the hearing examiner on July 19, 2006. On August 9, 2006, the hearing examiner issued findings and conclusions that the Westview Malik 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 Westview Malik Rezone.

E. On September 5, 2006, 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 Westview Malik Rezone from SR-4.5 to SR-8.

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

ORDINANCE

SECTION 1. - Rezone. The property located west of 94th Avenue South, between South 242nd Street and South 244th Street, in Kent, Washington consisting of approximately 3.92 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-8 (Single-Family Residential, 8 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 publication as provided by law.

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 5 day of September, 2006.
APPROVED: 5 day of September, 2006.
PUBLISHED: 9 day of September, 2006.

I hereby certify that this is a true copy of Ordinance No. 3814 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, CITY CLERK

Westview Malik Rezone
EXHIBIT B

Parcel # 1922059375

192205 375 PORTION OF NW QTR NE QTR STR 19-22-05 DAF: COMMENCING AT NW CORNER OF NE QTR STR 19-22-05 THAT BEARS S89-13-54W 2629.40 FT FROM NE SECTION CORNER TH S01-14-15W ALONG W LINE OF SAID NE QTR 588.36 FT TH N89-17-18E 329.40 FT TO POB TH CONTINUING N89-17-18E 188.17 FT TH S01-12-22W 264.53 FT TH N89-20-43E 120.06 FT TO W MARGIN OF 94TH AVE S TH S01-12-22W ALONG SAID MARGIN 121.90 FT TH S89-20-43W 339.99 FT TH N01-12-22E 320.00 FT TH N89-20-43E 31.32 FT TH N01-35-18E 66.26 FT TO POB (AKA "NEW LOT B" AS DESCRIBED & DELINEATED PER CITY OF KENT LOT LINE ADJUSTMENT NO LL-2005-9 RECORDING NO 20051005000593 AND AMENDED BY AFFIDAVIT OF CORRECTION UNDER RECORDING NO 20051121100096)

Parcel # 192205375

192205 375 PORTION OF NW QTR NE QTR STR 19-22-05 DAF: COMMENCING AT NW CORNER OF NE QTR STR 19-22-05 THAT BEARS S89-13-54W 2629.40 FT FROM NE SECTION CORNER TH S01-14-15W ALONG W LINE OF SAID NE QTR 588.36 FT TH N89-17-18E 329.40 FT TO POB TH CONTINUING N89-17-18E 188.17 FT TH S01-12-22W 264.53 FT TH N89-20-43E 120.06 FT TO W MARGIN OF 94TH AVE S TH S01-12-22W ALONG SAID MARGIN 121.90 FT TH S89-20-43W 339.99 FT TH N01-12-22E 320.00 FT TH N89-20-43E 31.32 FT TH N01-35-18E 66.26 FT TO POB (AKA "NEW LOT B" AS DESCRIBED & DELINEATED PER CITY OF KENT LOT LINE ADJUSTMENT NO LL-2005-9 RECORDING NO 20051005000593 AND AMENDED BY AFFIDAVIT OF CORRECTION UNDER RECORDING NO 20051121100096)

Parcel #192205165

192205 165 E 330 FT OF POR OF SW 1/4 OF NW 1/4 OF NE 1/4 LY W OF CO RD LESS N 320 FT LESS S 252 FT
WASHINGTON STATE COUNTY AUDITOR/RECORDER'S COVER SHEET

Document Title: City of Kent Ordinance No. 3814 authorizing the rezoning of approximately 3.92 acres of property located west of 94th Avenue South, between South 242nd Street and South 244th Street from Single Family Residential 4.5 units per acre to Single Family Residential 8 units per acre. (Westview Malik Rezone, #RZ-2006-7).

Reference Number(s): N/A

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

Grantee(s): The Public

Abbreviated Legal Description: Ptn. of STR 19-22-05, City of Kent, W.M., King County

Additional legal description is on Exhibit "B" of document.

Assessor's Property Tax Parcel/Account Number(s): 1922059375, 1922055375, and 1922055165

Project Name: Westview Malik 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 effect upon title.