

6a. Staff Report - Plat Alteration - Permanent Regulations

Planning Commission Meeting Date: January 3, 2019

Agenda Item 6a.

PLANNING COMMISSION AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Discussion on SMC 20.30.420 Plat Alteration – Permanent Regulations

DEPARTMENT: City Attorney's Office

PRESENTED BY: Julie Ainsworth-Taylor, Assistant City Attorney

Public Hearing
 Discussion

Study Session
 Update

Recommendation On
 Other

INTRODUCTION

On December 10, 2018, the City Council adopted Ordinance 849, declaring an emergency and establishing interim regulations for Plat Alterations consistent with RCW 58.17.215, as permitted under RCW 36.70A.390 and RCW 35A.63.220. In doing so, these regulations bypassed the standard process for the adoption of development regulations as set forth in SMC 20.30.070.

In Section 4 of Ordinance 849, the City Council directed Staff to refer the Ordinance to the Planning Commission for its review and recommendation of permanent regulations to replace the interim regulations.

While the Ordinance does establish a public hearing for February 8, 2019, that hearing does not negate the Planning Commission's responsibility of holding a public hearing on the permanent regulations. If anything arises from that hearing, that information will be made available to the public and the Planning Commission prior to its public hearing on the permanent regulations.

Tonight's discussion commences the standard review process.

BACKGROUND

The subdividing of land in Washington State has been going on since before statehood. At that time the only procedural requirements for platting were found in a series of statutes now codified in chapter 58.08 RCW, which dated to the 1857 territorial legislation. Until 1937, plats were simply recorded with the county, but there was no requirement that the plat be approved by the government. In 1937, the Platting and Subdivision Act, chapter 58.16 RCW, was adopted giving review and approval authority to local government. This law was superseded with the enactment of a new law in 1969, codified in chapter 58.17 RCW, which has been amended over the years and is the current subdivision law.

Approved By:

Project Manager 

Planning Director 

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Since the 1900s, much of the City of Shoreline has been subdivided. These subdivisions are memorialized by a final drawing and depiction of the subdivision (the "Plat") that is filed in the King County land records office. Many plats contain conditions, including density and use restrictions, that were placed on the plat (Plat Notes) that the developer and subsequent owners must comply with. If a property owner desires to seek approval for something that is otherwise allowed by zoning, but restricted by the plat, the City must approve an alteration of the plat before an application can be submitted. In 1987, provisions for the alteration of previously recorded plats were moved to chapter 58.17 RCW. These plat alteration provisions were not new, originating in 1903, just moved from their former location in chapter 58.12 RCW to be merged into RCW 58.17 in 1987 with little change to the previous language.

The City's Planning and Community Development Department has received numerous proposed developments that require an alteration of the recorded subdivision plat to remove such restrictions in order to develop the property as allowed by the City's current zoning. The recent spike in the need for plat alterations is due, in part, to the light rail station area rezones.

The number of plats requiring alterations, however, has revealed that the City's existing subdivision regulations, SMC 20.30 Subchapter 7, do not adequately address the statutory requirements set out in the RCW for plat alterations in a streamlined manner. Due to the number of alteration requests we are receiving, as well as the lack of a regulatory procedure to guide these requests, regulations were needed so that City Planning staff, property owners, and developers would have a clear understanding of the requirements, procedures, and approval authority for plat alterations.

The interim regulations adopted by the City Council with Ordinance No. 849 establish regulations for the administration of plat alterations (Attachment A) as required by RCW 58.17.215 to 58.17.218 (Attachment B). These regulations are effective for six months from the date of adoption. Permanent regulations need to be established.

DISCUSSION

The need for a defined plat alteration process came to the City Attorney's Office attention due to recent development proposals within many areas of the City, including the light rail station areas. These proposals seek to re-divide existing lots within a recorded plat or to change the use or density from single family detached. The problem is that these recorded plats have "Notes on the Face of the Plat" that preclude or limit these re-divisions or change in use, requiring a plat alteration to be approved.

As you may be aware from *Viking Properties v. Holm*, 155 Wn. 2d 112, the 2005 court case dealing with decades-old restrictions in Innis Arden, the City's current zoning does not invalidate or override private restrictive covenants. Nor does the City have the authority to waive or enforce private covenants. However, unlike private covenants, Plat Note restrictions have been found by the courts to be conditions of approval of the subdivision plat that must be adhered to by the City. *Jones v. Town of Hunts Points*, 166 Wn. App. 452 (2011). In sum, the Plat Notes establish a separate list of conditions that

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must be met, in addition to the City's current zoning and development regulations, when the City reviews a development or re-subdivision application for approval.

While certain aspects of these Plat Notes have been stricken because they violate an overriding public policy (e.g. such as racial restrictions), the Court held in the *Viking Properties* case that density restrictions imposed decades ago do not violate public policy, as expressed in the Growth Management Act or the City's Comprehensive Plan, and are not overridden by zoning regulations. As shown in the examples in Attachment C, the Notes, under the header of "Restrictions", similarly limit density by square footage, limit lot width, and uses. Some of these Notes refer to King County zoning resolutions/ordinances "as amended", however, the City Attorney's Office has determined that each plat must be reviewed to determine whether the restriction is in addition to the underlying zoning.

The process for administering plat alterations, including the modification or removal of Plat Notes, is currently set out in RCW 58.17.215 to 58.17.218. The statute sets forth specific requirements for a plat alteration. A summary of the requirements are:

- Application for plat alteration must include the signatures of a majority of property owners in the plat;
- If the plat is subject to restrictive covenants that were filed at the time of original plat approval and the alteration would violate the covenants, all property owners need to agree to alteration;
- All owners in the plat need to receive notice of the plat alteration;
- A public hearing is not required but an owner may request a hearing; the hearing may be held by a hearing examiner;
- The legislative body determines the public use and interest in the alteration and may deny or approve the application; and
- If approved, the applicant prepares a revised plat for signature of the legislative authority and files with the county.

As stated above, the proposed regulations are consistent with RCW 58.17.215. However, the statute states that the legislative body (the City Council) is to make the final approval/denial decision. The City Council has the ability to delegate this authority. Thus, the regulations are written so that the Director of Planning & Community Development has approval authority for plat alterations unless a public hearing has been requested, and then the City Hearing Examiner would issue a final decision. The regulations also provide both City staff and applicants with a process for such alterations and applicable fees.

The only modification that Staff is proposing to the regulations adopted by the City Council with Ordinance 849 is in regards to notice. RCW 58.17.215 mandates that all owners in the plat receive notice of the proposed alteration. However, the statute also permits "any person receiving notice" to request a public hearing. The City's usual practice for development applications requiring notice is to send notice to those property owners within 500 feet of the proposed action. This, of course, may result in individuals outside of the plat receiving notification contrary to the intent of RCW 58.17.215. Therefore, as shown on Attachment A, notice should be limited to the owners within the plat as they are

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the ones who should be entitled to request a hearing. The Notice section also breaks out notice for a public hearing.

TIMING AND SCHEDULE

Planning Commission Study session	January 3, 2019
Planning Commission Public hearing	February 21, 2019

RECOMMENDATION

No action is required tonight. This is a study item only and will return to the Planning Commission for public hearing February 21, 2019.

ATTACHMENTS

Attachment A - Regulations adopted by Ordinance 849 (modified in regards to notice)
Attachment B - RCW 58.17.215 to 58.17.218
Attachment C - Examples of Restrictive Plat Notes

Plat Alteration - Permanent Regulations - Attachment A
ATTACHMENT A – PROPOSED PERMANENT PLAT ALTERATION REGULATIONS

SMC 3.01.010 Planning and Development Fees, amended as follows:

M. SUBDIVISIONS	
1. Binding site plan	\$5,870
2. Preliminary short subdivision	\$6,694 for 2-lot short subdivision, plus (\$515.00) for each additional lot
3. Final short subdivision	\$1,957
4. Preliminary subdivision	\$15,449 for 10-lot subdivision, plus (\$721.00) for each additional lot, and public hearing (\$3,605)
5. Final subdivision	\$7,518
6. Changes to preliminary short or formal subdivision	\$3,811
7. Multiple buildings	Hourly rate, 10-hour minimum \$1,930
8. <u>Plat Alteration</u>	<u>Hourly rate</u>

SMC 20.30.050 Administrative decisions – Type B, amended as follows:

Table 20.30.050 – Summary of Type B Actions, Notice Requirements, Target Time Limits for Decision, and Appeal Authority

Action	Notice Requirements: Application and Decision ^{(1), (2), (3)}	Target Time Limits for Decision	Appeal Authority	Section
Type B:				
1. Binding Site Plan ⁽⁴⁾	Mail	90 days	HE	20.30.480
2. Conditional Use Permit (CUP)	Mail, Post Site, Newspaper	90 days	HE	20.30.300
3. Preliminary Short Subdivision ⁽⁴⁾	Mail, Post Site, Newspaper	90 days	HE	20.30.410
4. SEPA Threshold Determination	Mail, Post Site, Newspaper	60 days	HE	20.30.490 – 20.30.710
5. Shoreline Substantial Development Permit, Shoreline Variance and Shoreline CUP	Mail, Post Site, Newspaper	120 days	State Shorelines Hearings Board	Shoreline Master Program
6. Zoning Variances	Mail, Post Site, Newspaper	90 days	HE	20.30.310
7. <u>Plat Alteration ⁽⁵⁾</u>	<u>Mail, Post Site, Newspaper</u>	<u>90 days</u>	<u>HE</u>	<u>20.30.425</u>

Key: HE = Hearing Examiner

(1) Public hearing notification requirements are specified in SMC 20.30.120.

(2) Notice of application requirements are specified in SMC 20.30.120.

(3) Notice of decision requirements are specified in SMC 20.30.150.

(4) These Type B actions do not require a neighborhood meeting. A notice of development will be sent to adjacent properties.

(5) A Plat Alteration does not require a neighborhood meeting.

Plat Alteration - Permanent Regulations - Attachment A

SMC 20.30.420 Changes to approved subdivision, subsection (B) amended as follows:

A.

B. Recorded Final Plats. An application to ~~change~~alter a final plat that has been filed for record shall be processed as provided for in SMC 20.30.425. ~~in the same manner as a new application. This section does not apply to affidavits of correction of lot line adjustments.~~

A new section **SMC 20.30.425 Alteration of Recorded Plats** is enacted to read as follows:

- A. Applicability** A plat alteration provides a process to alter or modify a previously recorded plat, short plat, binding site plan, or any portion thereof. The plat alteration results in changes to conditions of approval, restrictions, or dedications that are shown on the recorded plat.
- a. Any person seeking to alter a recorded final plat or any portion thereof shall comply with the requirements set forth in chapter 58.17 RCW and the regulations in effect at the time the application is submitted to the City.
 - b. This section shall not apply to the:
 - a. Alteration or replatting of any plat of state-granted tide or shore lands as provided in RCW 58.17.215.
 - b. Adjustment of boundary lines as provided in RCW 58.17.040(6).
 - c. Any change to a recorded final plat where an additional lot(s) is proposed shall not be considered an alteration and shall be processed as a new formal subdivision or short subdivision depending on the number of lots being created. EXCEPT, if a condition or restriction on the original plat would prohibit such a change, then the plat alteration process must first be completed before a new subdivision may be sought.
- B. Application** A request to alter a recorded plat shall be submitted on official forms prescribed and provided by the Department along with the applicable fees.
- a. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered.
 - b. If the subdivision is subject to restrictive covenants which were recorded at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.
 - c. If the application seeks to extinguish or alter an easement established by a dedication, the application must contain an agreement for the release or alteration of the easement by all of the owners or the easement.
- C. Notice**
1. Complete Application. After the City has determined the application is complete, the City shall issue a notice of the complete application. This notice shall: ~~as provided in SMC 20.30.120 utilizing the methods specified in Table SMC 20.30.050. In addition, the notice shall:~~
 - a. Be provided by regular U.S. mail to all owners of property within the subdivision as provided in RCW 58.17.080 and 58.17.090; and
 - b. Establish a date for a public hearing or provide that a hearing may be requested by a person receiving notice within 14 calendar days of receipt of the notice. The cost of the public hearing shall be the responsibility of the applicant for the plat alteration.
 2. Public Hearing. If a public hearing is timely requested, notice of the public hearing shall be provided as set for in RCW 20.30.180

Plat Alteration - Permanent Regulations - Attachment A

D. Review Criteria

- a. Decision-making authority.
 - a. Director. Applications for a plat alteration are a Type B action and shall be administratively reviewed by the Director unless a public hearing has been timely requested as provided in SMC 20.50.425(C)(2) or the City determines that a public hearing is in the public interest.
 - b. Hearing Examiner. If a public hearing has been requested, an open record public hearing before the hearing examiner shall be held and the hearing examiner shall issue a decision.
- b. The decision-making authority shall review the submittal materials and may approve or deny after a written determination is made whether the public use and interest will be served by the alteration and whether the alteration satisfies the review criteria set forth in SMC 20.30.410(B).
- c. In any written determination approving an alteration:
 - a. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration.
 - b. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.
- d. The Director's decision is final unless appealed to the hearing examiner as provided in Section F below. The hearing examiner's decision on a plat alteration for which a public hearing was requested is final and may be appealed to superior court pursuant to chapter 36.70C RCW Land Use Petition Act.

E. Recording of Alteration No later than thirty (30) calendar days after approval of the alteration, the applicant shall produce a revised drawing or text of the approved alteration to the plat, conforming to the recording requirements of Chapter 58.17 RCW and processed for signature in the same manner as set forth for final plats in this chapter. The applicant shall file, at their sole cost and expense, the revision approved by the alteration to the plat with the King County Recorder to become the lawful plat of the property.

F. Appeal

- a. The Director's decision on a plat alteration where no public hearing was held may be appealed to the hearing examiner as provided in SMC 20.30 Subchapter 4 General Provisions for Land Use Hearings and Appeals.
- b. The Hearing Examiner's decision shall be final on an appeal of the Director's decision on a plat alteration.
- c. The final decision of the Hearing Examiner may be appealed to superior court pursuant to chapter 36.70C RCW Land Use Petition Act.

RCW 58.17.215 Alteration of subdivision—Procedure.

When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW 58.17.040(6), that person shall submit an application to request the alteration to the legislative authority of the city, town, or county where the subdivision is located. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

Upon receipt of an application for alteration, the legislative body shall provide notice of the application to all owners of property within the subdivision, and as provided for in RCW 58.17.080 and 58.17.090. The notice shall either establish a date for a public hearing or provide that a hearing may be requested by a person receiving notice within fourteen days of receipt of the notice.

The legislative body shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

After approval of the alteration, the legislative body shall order the applicant to produce a revised drawing of the approved alteration of the final plat or short plat, which after signature of the legislative authority, shall be filed with the county auditor to become the lawful plat of the property.

This section shall not be construed as applying to the alteration or replatting of any plat of state-granted tide or shore lands.

RCW 58.17.217 Alteration or vacation of subdivision—Conduct of hearing.

Any hearing required by RCW 58.17.212, 58.17.215, or 58.17.060 may be administered by a hearings examiner as provided in RCW 58.17.330.

RCW 58.17.218 Alteration of subdivision—Easements by dedication.

The alteration of a subdivision is subject to RCW 64.04.175.

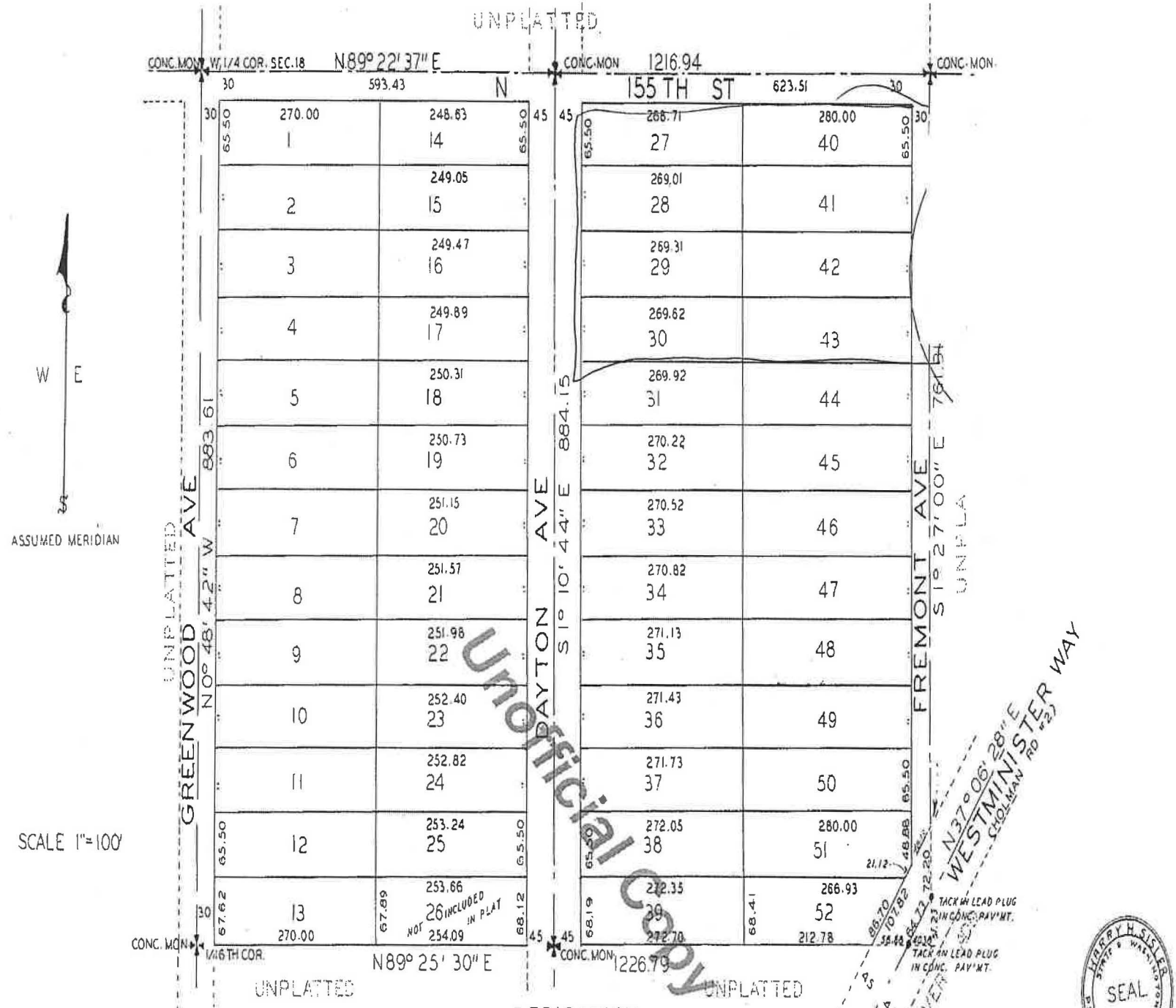
EXHIBIT C

Plat Alteration - Permanent Regulations - Attachment C

WALLIS

COUNTRY CLUB TRACTS

IN SEC 18 T26N R4E W.M.



DESCRIPTION

THIS PLAT "WALLIS' COUNTRY CLUB TRACTS" EMBRACES THE FOLLOWING DESCRIBED LAND:

NORTH TWO-THIRDS OF THE NORTHWEST QUARTER OF THE SOUTH-WEST-QUARTER OF SEC 18, TWP 26 NORTH, RA 4 EAST, W.M. EXCEPT COUNTY ROADS, ALSO EXCEPT TRACT 26 SHOWN HEREON.

RESTRICTIONS

ONLY SINGLE DETACHED RESIDENCE COSTING NOT LESS THAN \$2,000 TOGETHER WITH GARAGES MAY BE ERRECTED UPON THESE TRACTS, PROVIDED, NO RESIDENCE TOGETHER WITH GARAGE, MAY BE ERRECTED UPON ANY AREA CONTAINING LESS THAN 10,000 SQUARE FEET. UNTIL SEWER CONNECTIONS ARE AVAILABLE, EACH RESIDENCE SHALL BE SERVED WITH A SEPTIC TANK. NO PART OF THE PROPERTY HEREBY PLATTED SHALL BE USED FOR TRADE, MANUFACTURE OR BUSINESS PURPOSES OF ANY KIND, BUT SHALL BE USED FOR RESIDENTIAL PURPOSES ONLY BY WHITE PERSONS, EXCEPT THAT SERVANTS, NOT OF THE WHITE RACE BUT ACTUALLY EMPLOYED BY WHITE OCCUPANT, MAY RESIDE ON SAID PROPERTY.

ENGINEERS AND SURVEYOR'S CERTIFICATE

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS PLAT IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF THE ABOVE DESCRIBED SECTION; THAT THE DISTANCES AND COURSES ARE SHOWN CORRECTLY HEREON; THAT THE PLATTING REGULATIONS HAVE BEEN COMPLIED WITH TO THE BEST OF OUR KNOWLEDGE AND ABILITY.

GARDNER, GARDNER & HITCHINGS INC
 BY ALLEN HITCHINGS PRES
 STATE LICENSE #199
 RENEWAL #40132
 DATED JULY 15 1939

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT THE WALLIS LAND COMPANY, INC. A WASHINGTON CORPORATION, OWNER IN FEE SIMPLE OF THE LAND HEREBY PLATTED, HEREBY DECLARE THIS PLAT AND DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS AND AVENUES SHOWN HEREON AND THE USE THEREOF FOR ANY AND ALL PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES, AND THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS OR FILLS UPON THE LOTS AND TRACTS SHOWN HEREON IN THE ORIGINAL REASONABLE GRADING OF ALL STREETS AND AVENUES SHOWN HEREON.

IN WITNESS WHEREOF OF THE SAID CORPORATION, BY ITS PRESIDENT AND SECRETARY HAS CAUSED ITS CORPORATE NAME TO BE HERETO SUBSCRIBED AND ITS SEAL AFFIXED THIS 25TH DAY OF JULY A.D. 1939

WALLIS LAND COMPANY, INC
 BY R. L. McDONALD PRES
 BY JOHN P. LYCETTE SECR

ACKNOWLEDGMENT

STATE OF WASHINGTON
 COUNTY OF KING

THIS IS TO CERTIFY THAT ON THIS 25TH DAY OF JULY A.D. 1939 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC, PERSONALLY APPEARED R. L. McDONALD AND JOHN P. LYCETTE TO ME KNOWN TO BE THE PRES AND SECR OF THE CORPORATION THAT EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY SIGNED AND SEALED THE SAME AS THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION, FOR THE USES AND PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT THEY WERE AUTHORIZED TO EXECUTE SAID INSTRUMENT AND THAT THE SEAL AFFIXED IS THE CORPORATE SEAL OF SAID CORPORATION.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN

JOHN F. MILLER
 NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON RESIDING AT SEATTLE

EXAMINED AND APPROVED THIS 25TH DAY OF SEPT. A.D. 1939
 BY H. H. SISLER KING COUNTY ROAD ENGINEER
 BY _____ DEPUTY

I HEREBY CERTIFY THAT THE WITHIN PLAT OF WALLIS' COUNTRY CLUB TRACTS IS DULY APPROVED BY THE KING COUNTY PLANNING COMMISSION THIS 26TH DAY OF SEPTEMBER A.D. 1939

R. G. TYLER CHAIRMAN
OTWAY PARDEE SECRETARY
JOSHUA H. VOGL PLANNING ENGINEER - EXECUTIVE OFFICER

EXAMINED AND APPROVED THIS 25TH DAY OF SEPTEMBER, A.D. 1939

JACK TAYLOR
 CHAIRMAN OF BOARD OF COUNTY COMMISSIONERS

ATTEST EARL MILLIKIN
 CLERK, BOARD OF KING COUNTY COMMISSIONERS
 BY MARION KELEZ, DEPUTY
 3085626

FILED FOR RECORD AT THE REQUEST OF THE KING COUNTY PLANNING COMMISSION THIS 27 DAY OF SEPT. 1939 AT 59 MIN. PAST 10 A.M. AND RECORDED IN VOL. 33 OF PLATS, PAGE 43, RECORDS OF KING COUNTY, WASH.

EARL MILLIKIN
 KING COUNTY AUDITOR

BY B. C. MILLER
 DEPUTY COUNTY AUDITOR

SHORELINE HEIGHTS

A REPLAT OF TRACTS 6 AND 7, BLOCK 4, GREEN LAKE FIVE ACRE TRACTS
SEC. 17, T. 26 N. R. 4 E. W. M.

APRIL 1947

SCALE - 1 IN. = 100 FT.

JOSEPH C. MAYER
PROFESSIONAL ENGINEER

DESCRIPTION

THIS PLAT OF SHORELINE HEIGHTS EMBRACES ALL OF TRACTS 6 AND 7, BLOCK 4 GREEN LAKE FIVE ACRE TRACTS, AS RECORDED IN VOLUME 11 - PAGE 72 - RECORDS OF KING COUNTY, WASH.

CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT OF SHORELINE HEIGHTS IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF TRACTS 6 AND 7, BLOCK 4 GREEN LAKE FIVE ACRE TRACTS, THAT THE COURSES AND DISTANCES ARE SHOWN CORRECTLY HEREON, THAT MONUMENTS AND STAKES HAVE BEEN SET CORRECTLY, AND THAT I HAVE CONFORMED TO ALL PROVISIONS AND REGULATIONS GOVERNING PLATTING.

JOSEPH C. MAYER
CERTIFICATE No. 1322
RENEWAL No. 297
APRIL 4, 1947
JOSEPH C. MAYER



RESTRICTIONS

ALL LOTS IN THIS PLAT ARE RESTRICTED TO R-1 (RESIDENCE) USE AND NO LOT OR PORTION OF A LOT RESTRICTED TO R-1 USE SHALL BE DIVIDED AND SOLD, OR RESOLD, OR OWNERSHIP CHANGED OR TRANSFERRED, WHEREBY THE OWNERSHIP OF ANY PORTION OF SAID LOTS SHALL BE LESS THAN 7200 SQ. FT. AND LESS THAN 60 FT. AT THE FRONT BUILDING LINE, AND SUBJECT FURTHER TO THE PROVISIONS OF KING COUNTY RESOLUTION No. 6094 AND SUBSEQUENT AMENDMENTS THERETO.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT WE THE UNDERSIGNED OWNERS IN FEE SIMPLE OF THE LAND HEREBY PLATTED, HEREBY DECLARE THIS PLAT AND DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS AND AVENUES SHOWN HEREON, AND THE USE THEREOF FOR ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF THEREOF FOR PUBLIC HIGHWAY PURPOSES, ALSO THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS OR FILLS UPON THE LOTS AND BLOCKS SHOWN HEREON, IN THE ORIGINAL REASONABLE GRADING OF ALL STREETS AND AVENUES SHOWN HEREON.

IN WITNESS WHEREOF WE HAVE HERE UNTO SET OUR HANDS AND SEALS THIS 8 DAY OF APRIL, A. D. 1947

HOWARD F. BUSCH
BARBARA F. BUSCH

ACKNOWLEDGMENT

STATE OF WASHINGTON
COUNTY OF KING.

THIS IS TO CERTIFY THAT ON THIS 8TH DAY OF APRIL, A. D. 1947 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, PERSONALLY APPEARED HOWARD F. BUSCH AND BARBARA F. BUSCH, HUSBAND AND WIFE, WHO EXECUTED THE FOREGOING DEDICATION AND WHO ACKNOWLEDGED TO ME THAT THEY SIGNED AND SEALED THE SAME AS THEIR FREE AND VOLUNTARY ACTS AND DEEDS FOR THE USES AND PURPOSES THEREIN MENTIONED.

R. A. NIENABER
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, RESIDING IN SEATTLE.

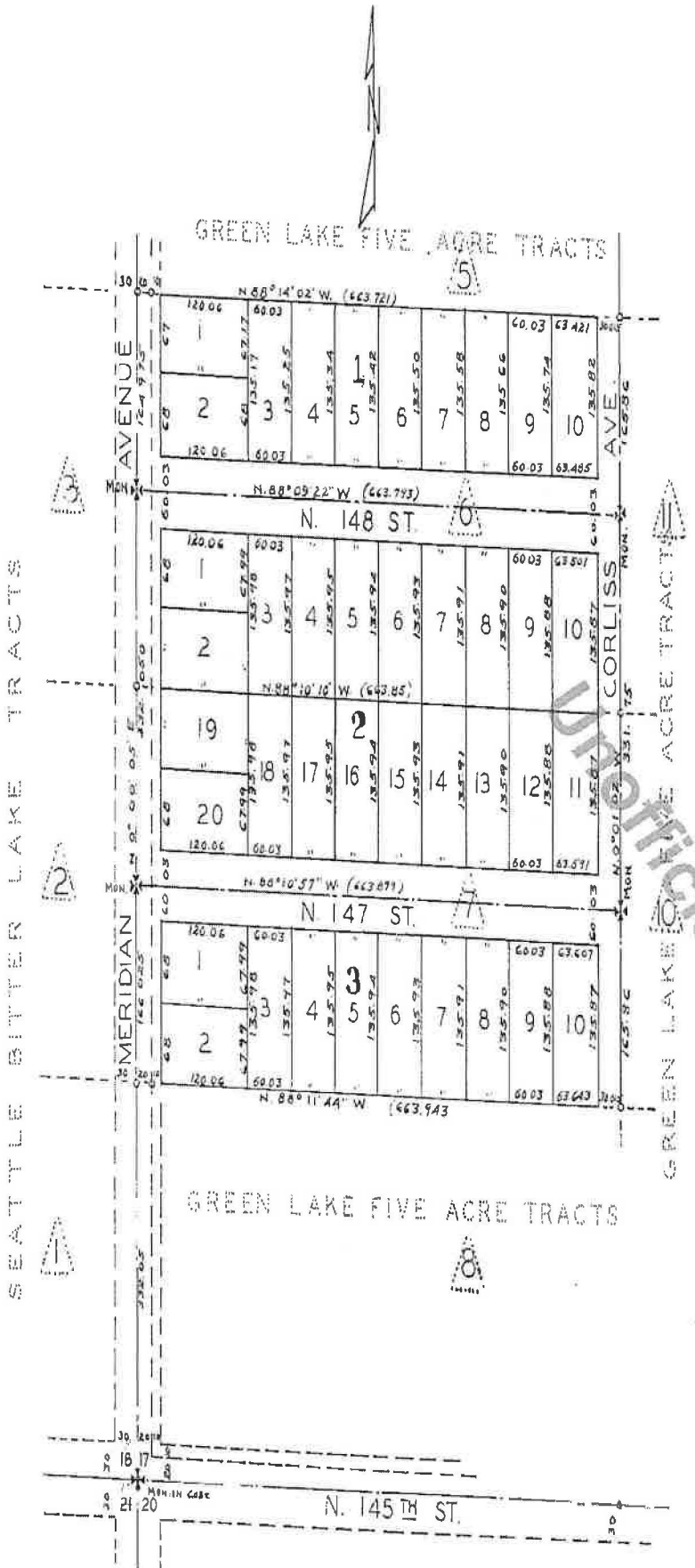
APPROVALS

EXAMINED AND APPROVED THIS 10 DAY OF APRIL, A. D. 1947

C. GLEN SMITH
KING COUNTY ROAD ENGINEER

EXAMINED AND APPROVED THIS 18TH DAY OF APRIL, A. D. 1947 BY THE KING COUNTY PLANNING COMMISSION.

DON S. JOHNSON - CHAIRMAN
J. R. HEATH - SECRETARY
W. H. HECKER - ACTING EXECUTIVE OFFICER



EXAMINED AND APPROVED THIS 14TH DAY OF APRIL, A. D. 1947

TAYLOR M. GREEN
CHAIRMAN BOARD OF COUNTY COMMISSIONERS

ATTEST: RALPH R. STENDER
CLERK, BOARD OF COUNTY COMMISSIONERS



FILED FOR RECORD AT THE REQUEST OF THE KING COUNTY PLANNING COMMISSION THIS 18 DAY OF APRIL, A. D. 1947 AT 58 MINUTES PAST 9 A. M. AND RECORDED IN VOLUME 44 OF PLATS, PAGE 4, RECORDS OF KING COUNTY, WASHINGTON.

W. J. R. WILLIAMS - DEPUTY COUNTY AUDITOR
ROBERT A. MORRIS - COUNTY AUDITOR

3677754



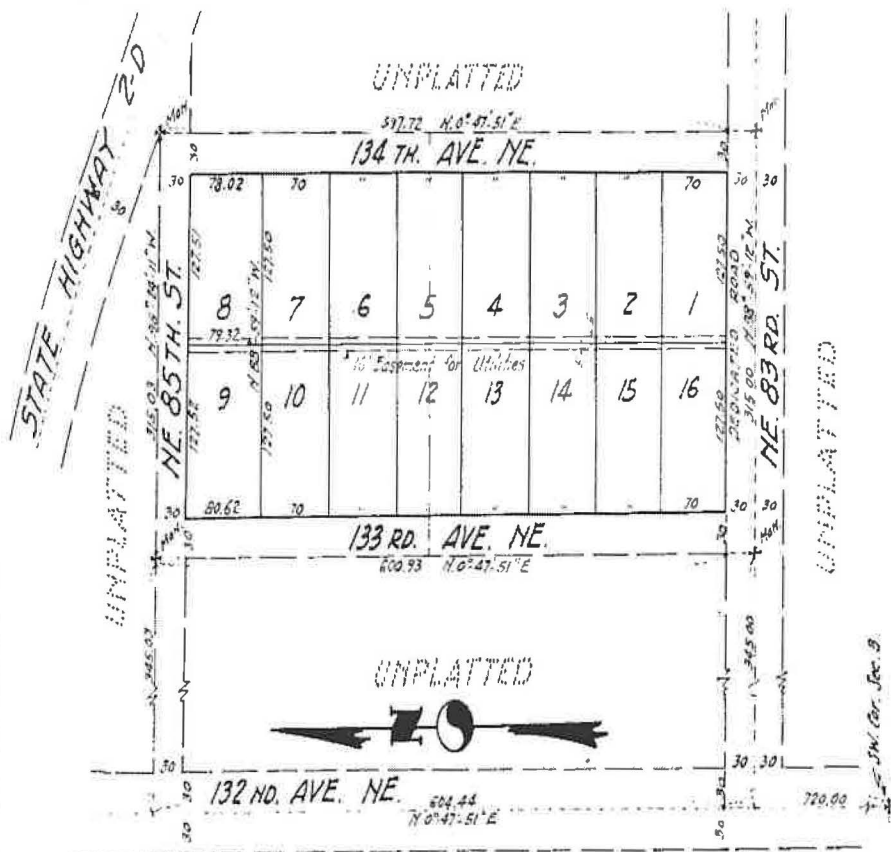
ROSEWOOD PARK

AN ADDITION TO KING COUNTY, WASHINGTON - SECTION 3, TWP. 25-5.

HARRY SISLER - CIVIL ENGINEER.

SCALE · 1" = 100'

OCTOBER · 1955



RESTRICTIONS.

No lot or portion of a lot in this plat shall be divided and sold, or re-sold, or ownership changed or transferred whereby the ownership of any portion of this plat shall be less than the area required for the use district stated on the plat. All lots in this plat are restricted to R-1 Residence District use governed by and subject to restrictions, rules and regulations of the County Zoning Resolution No. 11313 and subsequent changes thereto by official County Resolution.

Approval for septic tanks to be installed, according to specifications of the King County Health Department is required for each individual lot.

ENGINEER'S CERTIFICATE.

I hereby certify that the plat of "Rosewood Park" is based upon an actual survey and subdivision of Sec. 3, Twp. 25 N. R. 5 E. W.M.; that the distances, courses angles are shown thereon correctly; that the monuments have been set and lot and block corners staked correctly on the ground; that I have fully complied with the provisions of the statutes and planning regulations.

Harry H. Sisler

Reg. Civil Engineer. Certificate No. 1147

TREASURER'S CERTIFICATE.

I hereby certify that all property taxes are paid. There are no delinquent special assessments, and all special assessments on any of the property herein contained dedicated as streets and avenues, or for other public use, are paid in full.

A.A. Tremper, King County Treasurer. This 29th day of June, A.D. 1956

H.H. Tremper, King County Treasurer
by *G. H. ...* Deputy.

APPROVALS.

Examined and approved this 8th day of MAY, A.D. 1956

D. L. ...
King County Road Engineer.

I hereby certify that the within plat of "Rosewood Park" is duly approved by the King County Planning Commission this 10th day of MAY, A.D. 1956.

John ... Planning Officer. *Edgar ...* Secretary. *W. ...* Chairman.

Examined and approved this 2nd day of ... A.D. 1956.

John ... Clerk, Board of County-Commissioners. *W. ...* Chairman

DESCRIPTION.

This plat of "Rosewood Park" to King County, Washington embraces that portion of the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 3, Twp. 25 N. R. 5 E. W.M., described as follows: Beginning at a point which bears N. 0°-47'-51" E. along the section line, 720 feet, and S. 88°-59'-12" E., parallel with the south line of the section, 345.00 feet from the SW corner of said Sec. 3; and running thence N. 0°-47'-51" E., 600.93 feet, thence S. 88°-24'-11" E., 315.03 feet; thence S. 0°-47'-51" W., 597.72 feet; thence N. 88°-59'-12" W., 315.00 feet to the place of beginning. Except the north 30 feet conveyed to King County for road purposes.

(Being known as Tracts 10 and 15, Block 34, of the unrecorded plat of Burke & Farrar's Kirkland Addition to the City of Seattle, Division No. 12.) (All dimensions and bearings to Lambert Grid.)

DEDICATION.

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, owners in fee simple of the land hereby platted; hereby declare this plat and dedicate to the use of the public forever all streets and avenues shown hereon, and the use thereof for all public purposes not inconsistent with the use thereof for public highway purposes; also the right to make all necessary slopes for cuts and fills upon the lots shown on this plat in the original reasonable grading of all streets and avenues shown hereon.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 3rd day of OCTOBER, A.D. 1955.

Leland & Lundvall, Inc.
Ralph A. Lundvall President.
John H. Leland Secretary.



ACKNOWLEDGMENT.

STATE OF WASHINGTON } ss.
COUNTY OF KING

THIS IS TO CERTIFY, that on this 3rd day of OCTOBER, A.D. 1955, before me, the undersigned, a Notary Public,

personally appeared Ralph A. Lundvall and John Leland to me known to be the President and Secretary respectively of Leland and Lundvall, the corporation that executed the within dedication and who acknowledged to me the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute the said dedication, and that the seal affixed is the corporate seal of said corporation.

WITNESS my hand and official seal the day and year first above written.

Carl S. ...
Notary Public in and for the State of Washington, residing at ...



4708364

FILING.

Filed for record at the request of the Board of County Commissioners this 23rd day of July, A.D. 1956 at ... minutes past ... o'clock P.M., and recorded in Volume ... of Plats, page ... records of King County, Washington.

William ... Deputy County Auditor. *W. ...* County Auditor.

