CLARK COUNTY STAFF REPORT



* 7 3 1 0 6 4 *

DEPARTMENT: Community Development

DATE: March 12, 2015

REQUEST: The applicant is requesting a Plat Alteration approval to correctly show the location of a 5 foot wide public sidewalk easement within the private 34' wide road tract (NW 126th Circle). The final plat shows the sidewalk easement outside of the tract.

The site is located on 4.55 acres in the R1-6 and R1-10 zone districts. Lots 3-6, located at 2403 through 2501 NW 126TH Circle are affected.

CHECK ONE:	Х	Consent	CAO

BACKGROUND

The site was granted preliminary approval for 21 lots in February, 2009 under PLD2008-00056. The final plat, FLD2013-00015, was recorded on October 8, 2013. Most of the lots have homes in various stages of construction, and most sections of the sidewalk (attached to rolled curb) are already constructed, and extend around the cul-de-sac bulb.

The recorded plat shows a 34-foot wide private street tract ending in a cul-de-sac (NW 126th Circle), with a separate public sidewalk easement outside of the 34-foot wide street tract, even though the sidewalk is already constructed within the street tract.

The preliminary and construction drawings showed the public pedestrian easement within the private street tract; the location of the easement outside of the tract was a drafting error on the final plat.

According to county code, building setbacks are measured from such separate easements, thus an additional 5 feet of setback beyond the edge of the private street easement is technically required.

In order to rectify this problem, a plat alteration is needed. Preliminary review and approval of the plat alteration was accomplished under PLD2014-00010. To finalize this plat alteration, the applicant is required to record a "Declaration Amending Short Plat" with the County Auditor. As required by RCW 58.217.215, signature of the legislative body is required on this document prior to recording. Deputy Prosecuting Attorney Chris Horne has reviewed, approved, and signed the Declaration for this plat alteration.

COMMUNITY OUTREACH

With the preliminary plat alteration application, notice was mailed to the applicant, property owners within the short plat, property owners with 300 feet of the plat, and the Felida Neighborhood Association and property owners. No comments were received.

BUDGET AND POLICY IMPLICATIONS

None

FISCAL IMPACTS

ACTION REQUESTED

Sign original Declaration with maps and return to Department of Community Development for recording.

DISTRIBUTION

Chris Horne, Deputy Prosecuting Attorney

Name: Susan Ellinger Title: Land Use Review Manager Approved:

CLARK COUNTY BOARD OF COUNTY COUNCILORS

SR 053-15

AFTER RECORDING MAIL TO:

Name Lennar Northwest, Inc.

Address 11807 NE 99th St, Suite 1170

City, State, Zip Vancouver, WA 98682

Serial #: 986032-065, 986032-066 986032-067, 986032-068 Sec-T-R: NE ¼ of the SW ¼ of Section 28, T3N, R1E Project: Victoria's View Plat Alteration PLD2014-00010

DECLARATION AMENDING PLAT BOOK 311, PAGE 704

CD 15-16

We, Brianne R. Brende, Amy Page, and Lennar Northwest Inc., the owners of certain real property in Clark County, Washington, legally described therein below (hereinafter "Site"), pursuant to RCW 58.17.215 and CCC 40.540, which, under specific circumstances, allows Clark County to approve alterations to recorded plats, file this declaration to accomplish that end.

RECITALS:

Whereas, Brianne R. Brende, Amy Page, and Lennar Northwest Inc., are the owners of property, part of a plat recorded under Auditor's Number 5021111, Book 311 Page 704, the Site, which legal description is set forth by a copy of the previously recorded plat in Exhibit A attached hereto, and a detail of the affected part of the plat attached hereto as Exhibit B.

Whereas, the owners have sought to amend the recorded plat to correctly show the location of a 5 foot wide public sidewalk easement within a private 34 foot wide road tract (NW 126th Circle).

Whereas, the owners have previously received the plat alteration approval with conditions of Clark County in that planning application numbered PLD2014-00010; and

Whereas, this document is required to satisfy the conditions of approval, RCW 58.17.215 and CCC 40.540; now, therefore,

1. The undersigned owners declare that they are the sole and exclusive owners of Lots 3 through 6 of the plat described in Exhibit A, that is affected by the plat alteration. The plat is recorded in Book 311, page 704, records of Clark County, Washington.

2. Pursuant to the plat alteration, Clark County has authorized the correction to show the location of a 5 foot wide public sidewalk easement within a private 34 foot wide road tract (NW 126th Circle).

3. A revised drawing of the approved alteration is attached hereto and incorporated herein as Exhibit C.

4. The final plat is only amended as set forth above and in all other aspects are unaffected by this document. A copy of this declaration shall be filed with the Clark County Auditor so as to appear in the chain of title of the affected parcels.

Dated this <u>24^{+h}</u> day of <u>March</u>, 2014

Approved as to form

Christopher Horne Deputy Prosecuting Attorney

County Commissioners Approved and accepted by the Board of County Commissioners, Clark County, Washington, this 24° day of March, 2014.

Chair of the Board of County Commissioners

Attested by:

Clerk to the Board of Clark County Commissioners

Ryan M. Selby, Vice President, Lennar Northwest, Inc Lots 5 & 6 Property Owner

STATE OF WASHINGTON) :ss

COUNTY OF CLARK

On this day personally appeared before me Ryan M. Selby, known to me to the person that executed the within and foregoing instrument, and acknowledged said instrument to be his/her free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument.

2015 MA SUBSCRIBED AND SWORN TO BEFORE ME THIS 27 DAY OF FIbruan

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Notary Public in and for the State of Washington, residing at _____, therein. My commission expires

JUM 3, 2018

Notary Public State of Washington MARCI-ANN BUCK MY COMMISSION EXPIRES JULY 03, 2018

Brianne R. Brende, Lot 3 Property Owner

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STATE OF WASHINGTON)

COUNTY OF CLARK

On this day personally appeared before me Brianne R. Brende, known to me to the person that executed the within and foregoing instrument, and acknowledged said instrument to be his/her free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument.

2015 DAY OF FEDRUARL SUBSCRIBED AND SWORN TO BEFORE ME THIS -Un:2014 JIJSOL OR Notary Public in and for the State of Washington, residing at bresham, therein. My commission expires: 8 - 19 - 101000000000000000 TERRI L. MORGAN NOTARY PUBLIC STATE OF WASHINGTON **COMMISSION EXPIRES** UGUST 19, 2016

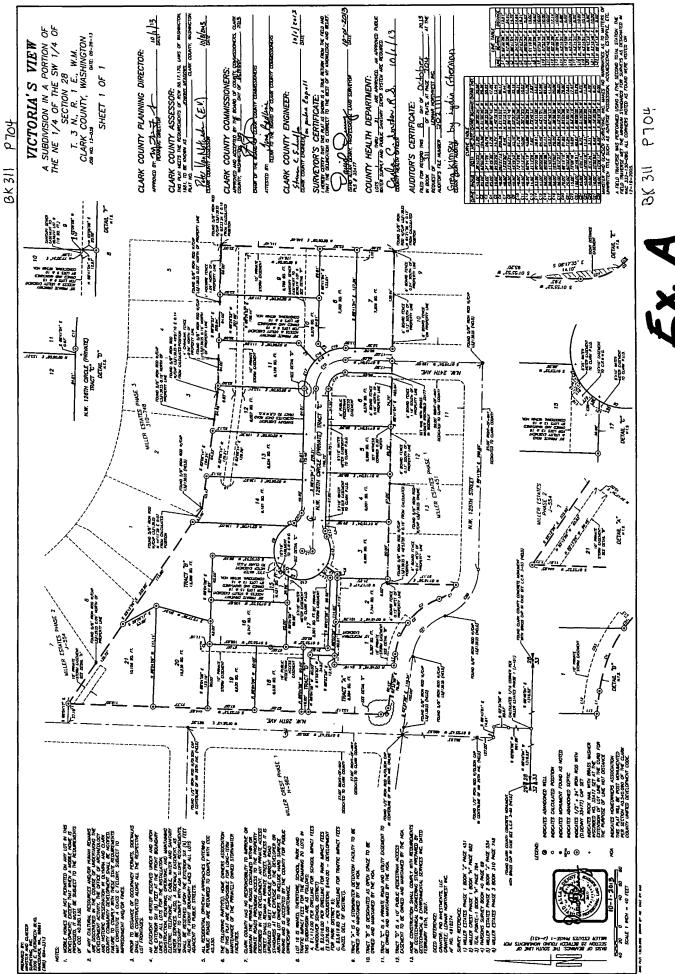
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Amy Page, Lot 4 Property Owner

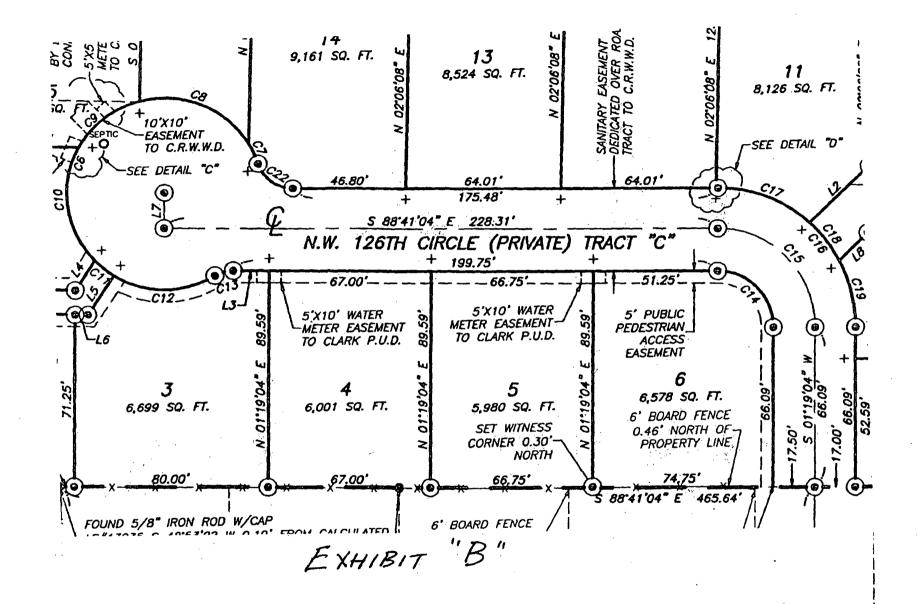
STATE OF WASHINGTON) :ss COUNTY OF CLARK)

On this day personally appeared before me Amy Page, known to me to the person that executed the within and foregoing instrument, and acknowledged said instrument to be his/her/free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument.

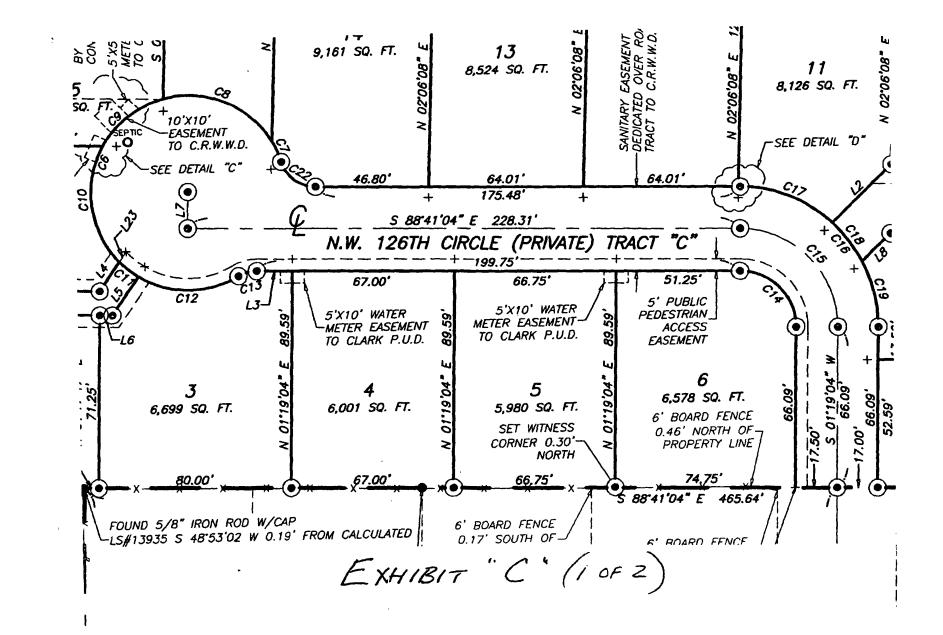
2015 SUBSCRIBED AND SWORN TO BEFORE ME THIS 2 1 DAY OF 1-0 Dr U Or U .-2014 norsan Notary Public in and for the State of Washington, residing at 2resh whtherein. My commission expires $\Im = 19 - 10$ TERRIL MORGAN NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES AUGUST 19. 2016



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		CL	JRVE TAB	LE		
URVE	RADIUS	DELTA	ARC DIST.	CHORD BEARING	CHORD DIST.	
C1	45.00'	39.43'25"	31.20'	S 39'20'34" E	30.58'	
C2	95.00'	63.03'36"	104.56'	N 51'00'40" W	<i>99.36</i> ′	LINE TABL
C3	95.00 '	34.14'06"	56.76'	N 36'35'55" W	55.92 '	LINE BEARING
C4	95.00'	28.49'30"	47.79'	N 68'07'43" W	47.29'	L1 N 82'32'28" W
C5	10.00'	84'28'20"	14.74'	S 40'18'18" E	13.44'	L2 N 4730'06" E
C6	40.50°	283.27'13"	200.36'	S 21'45'07" W	50.17'	L3 5 88'41'04" E
C7	40.50°	13:22'50"	9.46'	N 23 12'41" W	<u>9.44</u> *	L4 N 34'47'54" E
C8	40.50'	73.43'24"	52.11'	N 66'45'48" W	48.59'	L5 N 34'47'54" E
C9	40.50°	46 49 42	33.10'	S 52'57'38" W	32.19'	L6 5 88'03'58" E
210	40.50°	73.13'26"	51.76'	S 0703'56" E	48.31°	L7 S 01'18'56" W
C11	40.50'	14.13'32"	10.06'	S 50'47'25" E	10.03'	L8 5 47'30'06" W
212	40.50'	62.04'19"	43.88'	S 88'56'20" E	41.76'	
213	14.50*	31.17'26"	7.92'	S 75'40'13" W	7.82'	L9 S 0753'46" W L10 S 8753'52" E
214	23.50'	90.00.08.	36.91'	N 43'41'00" W	33.23'	L11 N 00'48'46" E
215	41.00'	90'00'08"	64.40'	N 43'41'01" W	57.98'	L12 5 82'32'28" E
216	58.00*	90.00.08	91.11'	N 43'41'00" W	82.03'	L12 5 82 52 28 E
217	58.00*	41'45'37"	42.27'	N 67'48'15" W	41.34'	
218	58.00'	19'57'03"	20.20'	N 36'56'55" W	20.09'	
219	58.00'	28'17'27"	28.64'	N 12'49'40" W	28.35'	
220	70.00'	69'12'12"	84.55'	S 54'04'58" E	79.50'	L16 <u>S</u> 43'14'51" E L17 <u>S</u> 43'14'51" E
221	70.00'	63.03'36"	77.04'	N 51'00'40" W	73.21'	L18 N 46'45'09" E
222	15.00'	72.09'48"	18.89'	5 52'36'10" E	17.67'	L19 N 4314'51" H
23	105.00'	32'46'51"	60.07	N 66'09'02" W	59.26'	L20 S 66'47'12" E
24	95.00'	4'04'14"	6.75'	N 51'40'50" W	6.75'	L21 N 23 12 48" E
25	40.50'	16'00'18"	11.31'	S 68'22'20" W	11.28'	L22 N 66'47'12" H
26	40.50'	5'14'34"	3.71'	5 36'22'35" W	3.70'	L23 N 34.47'54" E
27	10.00*	37"02'03"	6.46'	S 16'35'09" E	6.35'	123 14 57 47 54 E
28	10.00'	47'26'17"	8.28'	S 58'49'19" E	8.05'	-

14.75' 14.64' 19.31' 5.33' 15.00' 16.63' 10.00' 10.00' 10.07' 17.14' 10.00' 5.88' 5.00' 10.00' 5.00' 10.00' 10.12' 5.60' 10.00' 5.00' 5.12'

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DISTANCE 15.97 34.41'

EXHIBIT "C" (Zofz)