

ORDINANCE NO. 463

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, CORRECTING ORDINANCE NO. 272 AND IN PARTICULAR, THE LEGAL DESCRIPTION OF THE PORTION OF 143RD PLACE N.E. BEING VACATED; PROVIDING FOR SEVERABILITY, SUMMARY PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Woodinville adopted Ordinance No. 272 on November 13, 2000 for vacation of a 28 foot wide portion of 143rd Place NE; and

WHEREAS, Ordinance 272 provided that it was not to be recorded until after the City received clear title and a statutory warranty deed for the dedication of right-of-way for NE 182nd Street from the property owner benefiting from the street vacation; and

WHEREAS, on April 16, 2001 the City Council approved execution of a quit-claim deed from the City to the property owner purporting to convey any interest the City had in the 28 foot wide portion of 143rd Place NE to be vacated by Ordinance 272 in exchange for a right-of-way dedication deed, a future right of way easement and pedestrian sidewalk easement from the property owner; and

WHEREAS, the conveyances referenced in the preceding recital were all recorded with the King County Recorder on May 17 2001 under recorder's numbers 20010517000769 thorough 20010517000771; and

WHEREAS, Ordinance 272 was recorded on August 23, 2005 under King County Auditor's number 20060823000325; and

WHEREAS, recently the property owner for the underlying parcel upon which an apartment complex is constructed discovered discrepancies between the legal description attached to Ordinance 272 and the April 16, 2001 quit claim deed from the City, and upon further examination it appears that neither document correctly described the property intended to be vacated and that it is necessary that the April 16, 2001 Deed and Ordinance 272 be corrected; and

WHEREAS, both the City and the property owner desire to correct the errors in the previous documents and record a corrective Ordinance 272 which incorporates a legal description and map correcting the prior incorrect legal descriptions and identifying the dedications from the property owner to the City;

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

Section 1. Vacation. The real property described in Attachment "A", which attachment is incorporated herein by this reference, under the heading "LEGAL DESCRIPTION OF VACATION" is hereby vacated and is substituted for the legal

description attached to Ordinance No. 272 of the City of Woodinville. Attachment "A" includes on its second page a map depicting the vacation as well as adjacent dedications of right-of-way and a pedestrian easement from the property owner to the City given in exchange for the portion of 143rd PL. N.E. dedicated by the City.

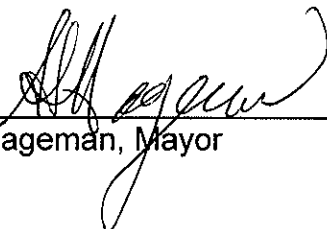
Section 2. Property Dedicated to City for Right-of-Way. Attachment "B" hereto, consisting of two pages, incorporated by reference herein, describes and depicts the dedication of right-of-way from the owner of the real property legally described in Attachment B and dedicated to the City by the previously filed Dedication Deed recorded under King County Recorder's file 20010517000769

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Recording. The Woodinville City Clerk is hereby directed to file a certified copy of this ordinance with the King County Department of Records upon execution by all signatories, including the written agreement of the property owner set forth below.


Section 5. Effective. This ordinance, or summary thereof consisting of the title, shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 20th DAY OF MAY 2008.



Scott Hageman, Mayor


ATTEST/AUTHENTICATED:



Jennifer Kuhn
City Clerk

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY



Greg A. Rubstello
City Attorney

PASSED BY THE CITY COUNCIL: 5-20-2008

PUBLISHED: 5-26-2008

EFFECTIVE DATE: 6-3-2008

ORDINANCE NO.: 463

AGREEMENT OF PROPERTY OWNER

The undersigned owner of the real property described in the "Legal Description" on Attachments A and B to Ordinance No. 463 above, in consideration of the benefits received and to be received from the correction of legal descriptions made by said Ordinance and the clarification of record title, hereby declares, states, and agrees that the descriptions of real property, vacation and dedication set forth in Attachments "A" and "B" to the above Ordinance No. 463 are true and correct.

WOODCREEK LANE APTS., LLC

By: _____
Kenneth B. Kaplan, it's Authorized
Representative

_____ Date

State of Washington
County of _____

I certify that I know or have satisfactory evidence that Kenneth B. Kaplan is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the Property Manager for Woodcreek Lane Apts., LLC, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

(Seal or stamp)

(Signature)

Notary Public in and for the State of Washington

My appointment expires: _____

ATTACHMENT "A"

LEGAL DESCRIPTION

THAT PORTION OF THE EAST HALF OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING WESTERLY OF A LINE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID EAST HALF OF THE SOUTH HALF OF THE SOUTH HALF OF AFORESAID SUBDIVISION; THENCE SOUTH 88°48'31" EAST FOR A DISTANCE OF 174.02 FEET AND THE TRUE POINT OF BEGINNING OF SAID LINE; THENCE SOUTH 00°14'45" EAST FOR A DISTANCE OF 330.06 FEET TO THE SOUTH LINE OF SAID SOUTH HALF OF THE SOUTH HALF OF THE SAID SUBDIVISION AND THE TERMINUS OF SAID LINE;

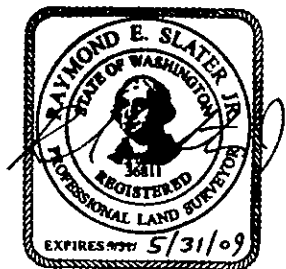
EXCEPT THE EAST 28 FEET CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING NUMBER 8207090660;

AND EXCEPT THE NORTH 20.00 FEET THEREOF AS CONVEYED TO THE CITY OF WOODINVILLE FOR RIGHT OF WAY PURPOSES BY DEED RECORDED UNDER RECORDING NUMBER 20010517000769.

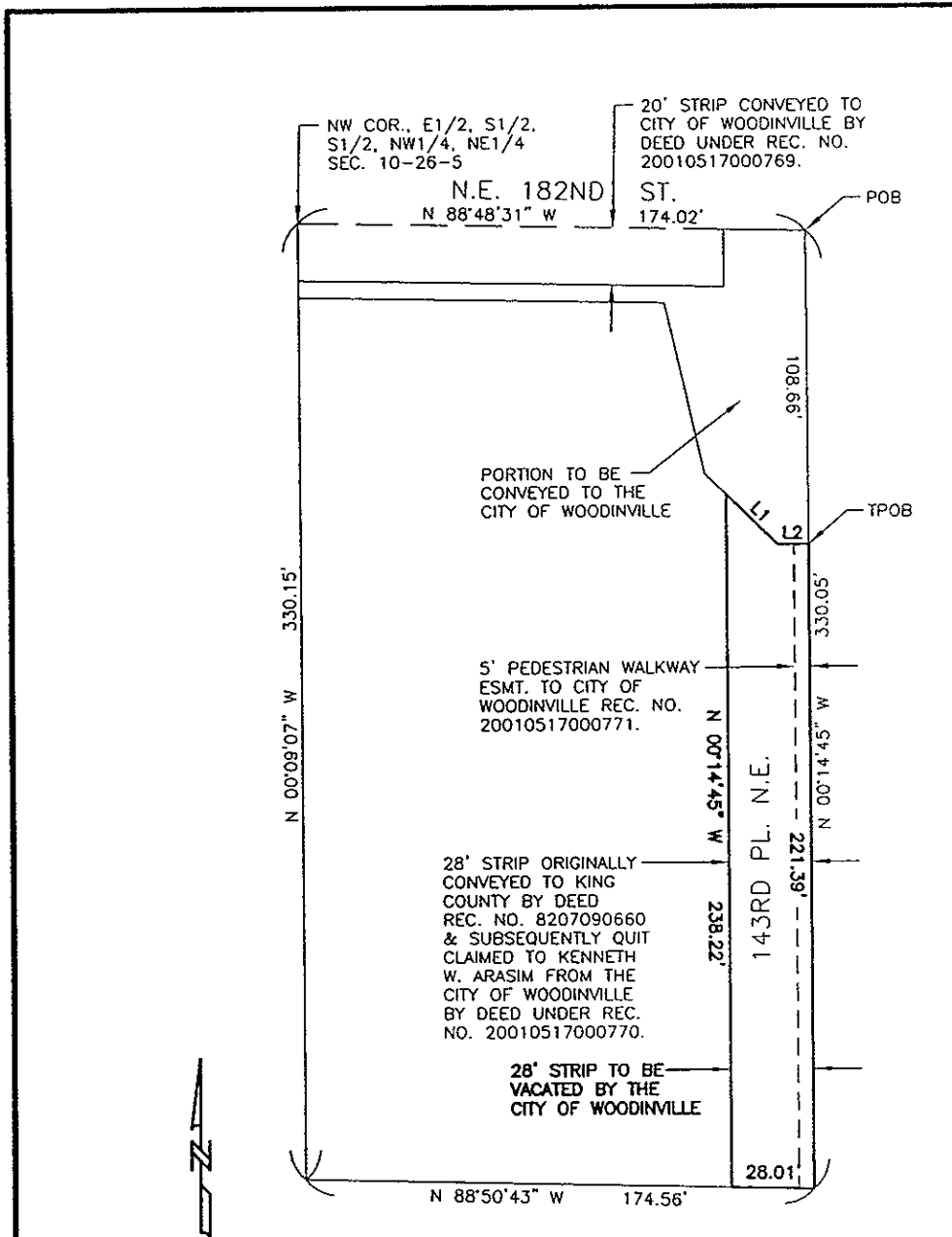
LEGAL DESCRIPTION OF VACATION

THAT PORTION OF THE EAST 28 FEET OF HEREIN REFERENCED CONVEYANCE TO KING COUNTY BY DEED RECORDED UNDER RECORDING NO. 8207090660, RECORDS OF KING COUNTY, WASHINGTON, LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:

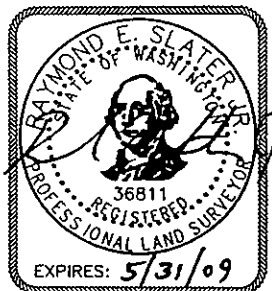
BEGINNING AT THE NORTHEAST CORNER OF SAID CONVEYANCE; THENCE SOUTH 00°14'45" EAST ALONG THE EAST LINE THEREOF 108.66 FEET TO THE TRUE POINT OF BEGINNING OF THIS LINE DESCRIPTION; THENCE SOUTH 89°45'15" WEST 10.49 FEET; THENCE NORTH 45°14'45" WEST 24.77 FEET TO A LINE PARALLEL WITH AND 28.00 FEET WESTERLY, AS MEASURED AT RIGHT ANGLES THERETO, FROM SAID EAST LINE AND THE TERMINUS OF THIS LINE DESCRIPTION.



5-5-08



SCALE: 1"=50'



5-5-08

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 45°14'45" W	24.77
L2	N 89°45'15" E	10.49

NW1/4, NE1/4, SEC. 10, T. 26 N., R. 5 E., W.M.

MG & A Mead Gilman & Assoc.
 Professional Land Surveyors
 P.O. BOX 289, WOODINVILLE, WA 98072
 PHONE: (425) 486-1252 FAX: (425) 486-6108

JOB NO. 08063

ATTACHMENT "B"

LEGAL DESCRIPTION

THAT PORTION OF THE EAST HALF OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING WESTERLY OF A LINE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID EAST HALF OF THE SOUTH HALF OF THE SOUTH HALF OF AFORESAID SUBDIVISION; THENCE SOUTH 88°48'31" EAST FOR A DISTANCE OF 174.02 FEET AND THE TRUE POINT OF BEGINNING OF SAID LINE; THENCE SOUTH 00°14'45" EAST FOR A DISTANCE OF 330.06 FEET TO THE SOUTH LINE OF SAID SOUTH HALF OF THE SOUTH HALF OF THE SAID SUBDIVISION AND THE TERMINUS OF SAID LINE;

EXCEPT THE EAST 28 FEET CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING NUMBER 8207090660;

AND EXCEPT THE NORTH 20.00 FEET THEREOF AS CONVEYED TO THE CITY OF WOODINVILLE FOR RIGHT OF WAY PURPOSES BY DEED RECORDED UNDER RECORDING NUMBER 20010517000769.

LEGAL DESCRIPTION OF DEDICATION

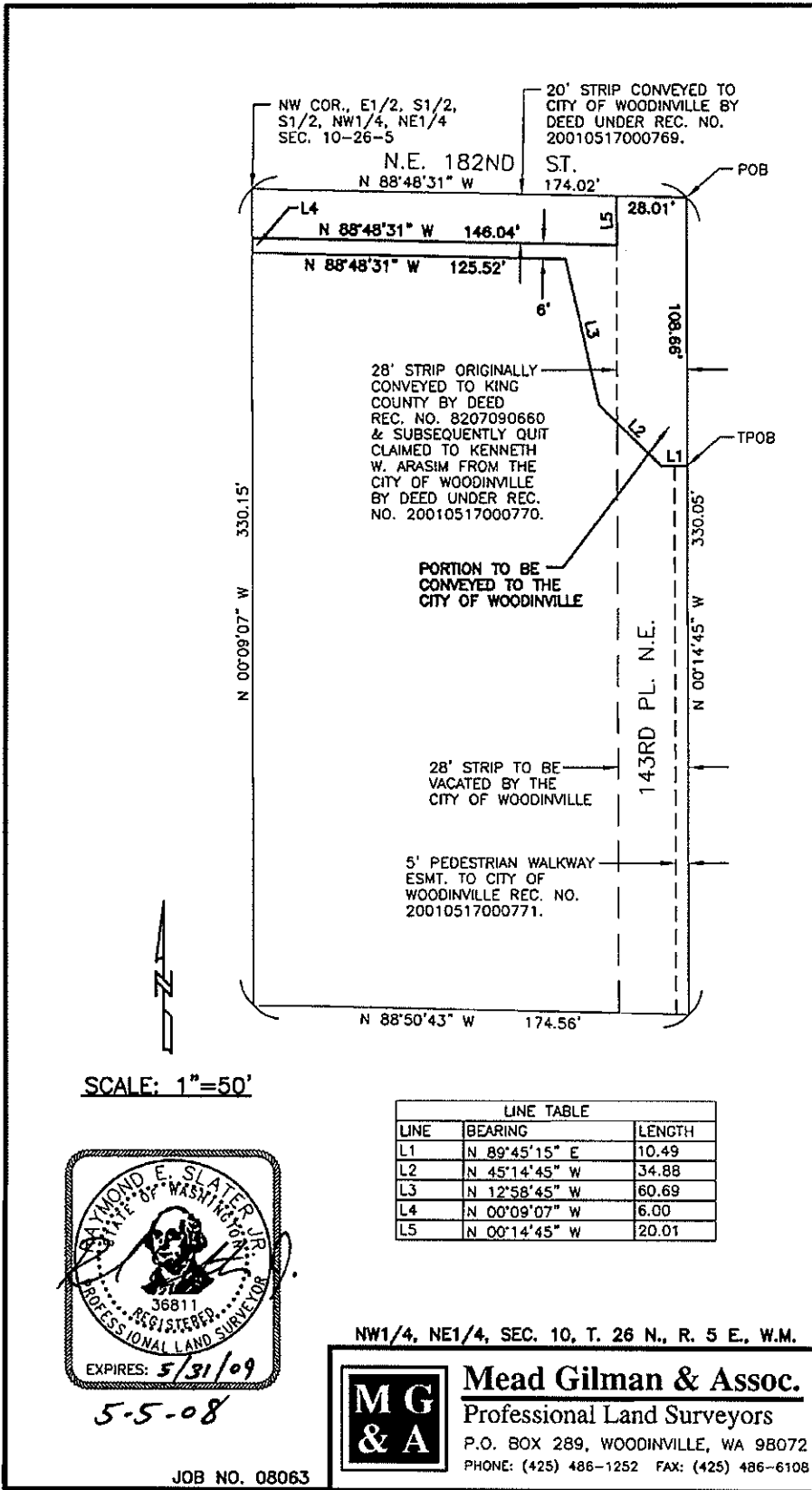
THAT PORTION OF HEREIN DESCRIBED PARCEL, LYING NORTHERLY AND EASTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE NORTHEAST CORNER OF THAT PORTION OF SAID PARCEL CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING NO. 8207090660, RECORDS OF KING COUNTY, WASHINGTON; THENCE SOUTH 00°14'45" EAST ALONG THE EAST LINE THEREOF 108.66 FEET TO THE TRUE POINT OF BEGINNING OF THIS LINE DESCRIPTION; THENCE SOUTH 89°45'15" WEST 10.49 FEET; THENCE NORTH 45°14'45" WEST 34.88 FEET; THENCE NORTH 12°58'45" WEST 60.69 FEET TO A LINE PARALLEL WITH AND 6.00 FEET SOUTHERLY, AS MEASURED AT RIGHT ANGLES THERETO, FROM THE SOUTH LINE OF THAT PORTION CONVEYED TO THE CITY OF WOODINVILLE FOR RIGHT OF WAY PURPOSES BY DEED RECORDED UNDER RECORDING NO. 20010517000769; THENCE NORTH 88°48'31" WEST ALONG SAID LINE 125.52 FEET TO THE WEST LINE OF HEREIN DESCRIBED PARCEL AND THE TERMINUS OF THIS LINE DESCRIPTION;

EXCEPT THAT PORTION CONVEYED TO CITY OF WOODINVILLE BY DEED RECORDED UNDER RECORDING NO. 20010517000769.



5-5-08



NW COR., E1/2, S1/2,
S1/2, NW1/4, NE1/4
SEC. 10-26-5

N.E. 182ND ST.
N 88°48'31" W 174.02'

POB

L4 N 88°48'31" W 146.04'

L5 28.01'

N 88°48'31" W 125.52'

6'

28' STRIP ORIGINALLY
CONVEYED TO KING
COUNTY BY DEED
REC. NO. 8207090660
& SUBSEQUENTLY QUIT
CLAIMED TO KENNETH
W. ARASIM FROM THE
CITY OF WOODINVILLE
BY DEED UNDER REC.
NO. 20010517000770.

TPOB

330.15'

N 00°09'07" W

PORTION TO BE
CONVEYED TO THE
CITY OF WOODINVILLE

28' STRIP TO BE
VACATED BY THE
CITY OF WOODINVILLE

143RD PL. N.E.

330.05'

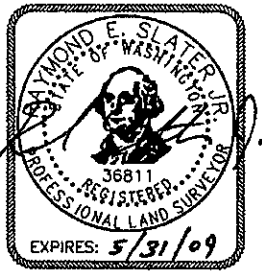
N 00°14'45" W

5' PEDESTRIAN WALKWAY
ESMT. TO CITY OF
WOODINVILLE REC. NO.
20010517000771.

N 88°50'43" W 174.56'

SCALE: 1"=50'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 89°45'15" E	10.49
L2	N 45°14'45" W	34.88
L3	N 12°58'45" W	60.69
L4	N 00°09'07" W	6.00
L5	N 00°14'45" W	20.01



NW1/4, NE1/4, SEC. 10, T. 26 N., R. 5 E., W.M.

MG & A Mead Gilman & Assoc.
Professional Land Surveyors
P.O. BOX 289, WOODINVILLE, WA 98072
PHONE: (425) 486-1252 FAX: (425) 486-6108

JOB NO. 08063