CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of Ordinance No. 891 - Accepting a Corrected Survey and Plat for Short Plat No. SHSP-98055 as Provided in RCW 58.10.030
	City Manager's Office Nathan Daum, Economic Development Manager Ordinance Resolution Motion Public Hearing _X Discussion

PROBLEM/ISSUE STATEMENT:

In 2017, with the adoption of Resolution No. 411, the City Council declared the former site of the Shoreline Police Station (1206 N 185th Street) as surplus and authorized the sale of the property. The services of a commercial real estate broker were secured, and in February 2019, the City entered into a Purchase and Sale Agreement with Seawest Investment Associates. In the course of due diligence, the buyer's surveyor found a discrepancy on the recorded plat immediately to the north which erroneously placed that plat's southern property line one foot into the City's property. For the sale of this property to proceed, this surveying error must be corrected.

Pursuant to RCW 58.10.030, the City Council is authorized by ordinance to cause a new and correct survey and plat to be made and recorded. Staff has prepared proposed Ordinance No. 891 (Attachment A) accepting the corrected plat and directing that it be recorded with King County so as to rectify the error. Tonight, Council will discuss proposed Ordinance No. 891. Proposed Ordinance No. 891 is currently scheduled to be brought back to Council on August 3, 2020 for adoption.

RESOURCE/FINANCIAL IMPACT:

The City has agreed to provide a new fence, estimated to cost approximately \$5,000, located on the consenting property owner's side of the correct property line after recording of the corrected plat. The sale of the former police station at \$2.45 million is dependent upon this corrective action with regard to property records.

RECOMMENDATION

No action is required at this time. Staff recommends that Council discuss proposed Ordinance No. 891 and if desired, staff will return with a recommendation to adopt the proposed ordinance on August 3, 2020.

Approved By: City Manager DT City Attorney JA-T

BACKGROUND

In 2017, with the adoption of Resolution No. 411, the City Council declared the former site of the Shoreline Police Station (1206 N 185th Street) as surplus and authorized the sale of the property to assist in funding the construction of the new Police Station at City Hall. The staff report for this Council action can be accessed at the following link: <u>http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2017/staff report052217-8a.pdf</u>.

The services of a commercial real estate broker were secured and, in February 2019, the City entered into a Purchase and Sale Agreement with Seawest Investment Associates (Buyer). In the course of due diligence, the Buyer commissioned North Peak Associates LLC to prepare a survey. The result of this survey was an apparent discrepancy between the north line of the City's Police Station Property and the south line of the adjacent short plat to the north, Short Plat No. SHSP-98055, recorded in 1999 (Attachment B). A discrepancy of one (1) foot in width was found as part of this survey.

Short Plat SHSP-98055 was prepared by Continental Engineering Company, who also prepared the 1999 plat of Midvale Court (Attachment C), which lies immediately north of SHSP-98055. Both of these Plats subdivided Lot 7, Block 2 of the Clive Addition. On the plat of Midvale Court, Continental Engineering platted the north 94.00 feet of Lot 7 and calculated the remainder of Lot 7 as being 61.52 feet as measured along the western and eastern property lines. However, when Continental Engineering prepared SHSP-98055, Continental Engineering extended the width of this remainder to 62.52 feet. In doing so, the south line of SHSP-98055 was extended one-foot south into the City's Property.

The engineer at Continental Engineering Company, Floyd Hancock, who prepared the plats has since retired. However, Mr. Hancock sold his business to Tyee Surveyors. Staff contacted Tyee Surveyors who had Mr. Hancock's field notes and based on their review of the field notes and the plats, confirmed that a scrivener's error had occurred. Tyee Surveyors, while not required to, prepared a corrected plat as a professional courtesy free of charge.

DISCUSSION

Staff engaged the services of a consultant, Contract Land Staff, to contact the three (3) property owners impacted by this surveying error. After multiple attempts, Contract Land Staff secured the written consent of two of three property owners to the reduction of one (1) foot in SHSP-98055 (Attachment D). This is a majority sufficient for a plat alteration. The City has agreed to provide a new fence, estimated to cost approximately \$5,000, located on the consenting property owner's side of the correct property line after recording of the corrected plat. Any existing fencing or other private property will be removed from the City's property.

Concurrent with securing the consent of adjacent property owners, Tyee Surveyors prepared a Correct Survey and Plat for SHSP-98055 (Attachment A, Exhibit A).

The City does not have a regulatory process for the correction of surveying errors on recorded plats. RCW 58.10.030 addresses the resurvey and correction of a plat. This RCW provision states that the City Council is authorized and empowered by ordinance to correct a previously recorded plat and to have that plat recorded with the County.

To accomplish this, staff has prepared proposed Ordinance No. 891 accepting the corrected survey and plat prepared by Tyee Surveyors. Following Council adoption of proposed Ordinance No. 891, staff would record the corrected survey and plat with the King County Recorder's Office to rectify the 1999 scrivener's error. With this clouding item removed from the title to the Property, the sale of the Property to Seawest Investments can proceed.

Tonight, Council will discuss proposed Ordinance No. 891. Proposed Ordinance No. 891 is currently scheduled to be brought back to Council on August 3, 2020 for adoption.

RESOURCE/FINANCIAL IMPACT

The City has agreed to provide a new fence, estimated to cost approximately \$5,000, located on the consenting property owner's side of the correct property line after recording of the corrected plat. The sale of the former police station at \$2.45 million is dependent upon this corrective action with regard to property records.

RECOMMENDATION

No action is required at this time. Staff recommends that Council discuss proposed Ordinance No. 891 and if desired, staff will return with a recommendation to adopt the proposed ordinance on August 3, 2020.

ATTACHMENTS

Attachment A: Proposed Ordinance No. 891 Attachment A, Exhibit A: Corrected Survey and Plat for Short Plat No-98055 Attachment B: Original Short Plat No. SHSP-98055 Attachment C: Plat of Midvale Court Attachment D: Property Owner Consents to File Plat Alteration Application

ORDINANCE NO. 891

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON ACCEPTING A CORRECTED SURVEY AND PLAT FOR SHORT PLAT NO. SHSP-98055.

WHEREAS, Short Plat No. SHSP-98055 is a portion of Lot 7, Block 2 of Clive Addition to Echo Lake, Volume 15, Page 5 of King County Book of Plats (hereinafter, Short Plat); and

WHEREAS, the Short Plat was approved by the City of Shoreline on April 20, 1999, and recorded with the King County Recorder's Office, Recording No. 9904229001; and

WHEREAS, due to a pending sale of surplus city property adjacent to the Short Plat, in 2019 a surveyor scrivener error in the southern boundary line was discovered; and

WHEREAS, with the consent of a majority of property owners in the Short Plat, a resurvey has been performed and a corrected survey made; and

WHEREAS, pursuant to RCW 58.10.030, the City Council desires to accept and certify the corrected plat for recording;

THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Corrected Plat Approved. The Corrected Survey for City of Shoreline Short Plat Number SHSP-98055, a reduced copy of which is set forth in Exhibit A to this Ordinance, is hereby accepted by the City Council as the new and correct survey and plat for Short Plat No. SHSP-98055. Nothing in this Ordinance modifies any dedications, easements, or other terms and conditions set forth in the original Short Plat as recorded under Recording No. 9904229001.

Section 2. Recording of the Corrected Plat. The City Clerk is hereby directed to cause a full-size version of the Corrected Survey for City of Shoreline Short Plat Number SHSP-98055, with a certified copy of this Ordinance, to be recorded with the King County Recorder's Office.

Section 3. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

Section 4. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five (5) days after its publication.

PASSED BY THE CITY COUNCIL ON AUGUST 3, 2020

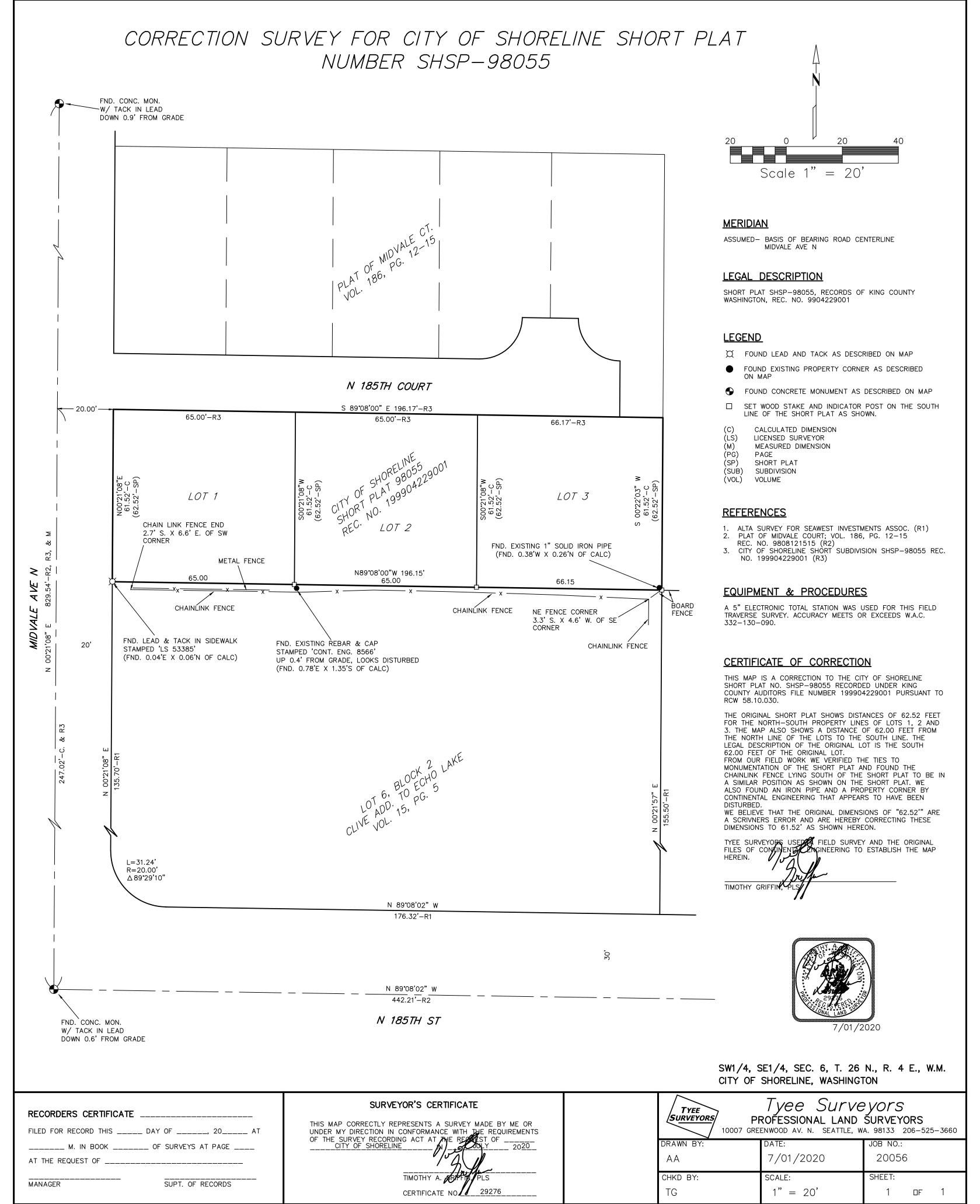
Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

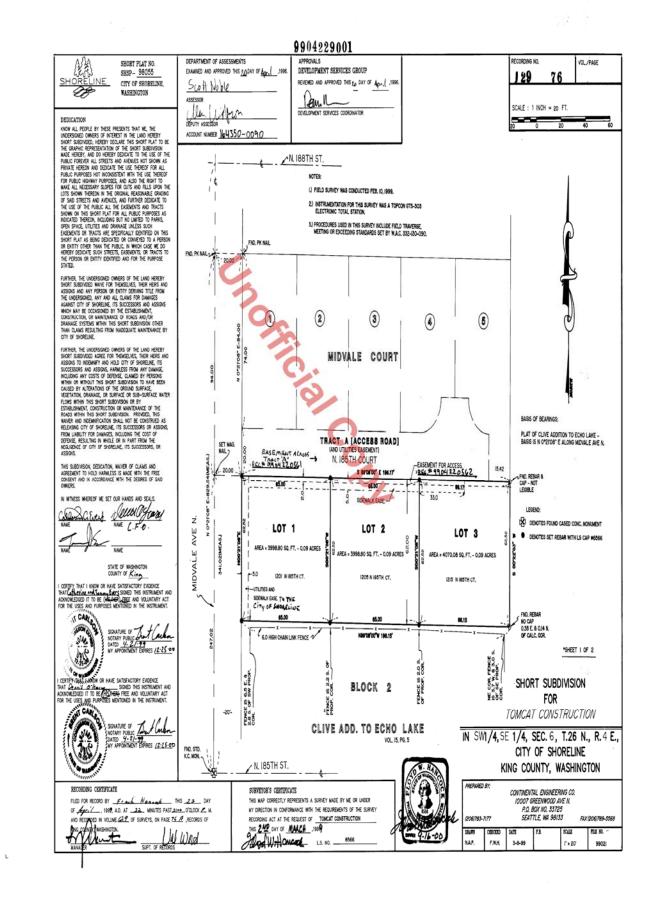
Jessica Simulcik Smith City Clerk Julie Ainsworth-Taylor Assistant City Attorney

Date of Publication:______, 2020Effective Date:______, 2020



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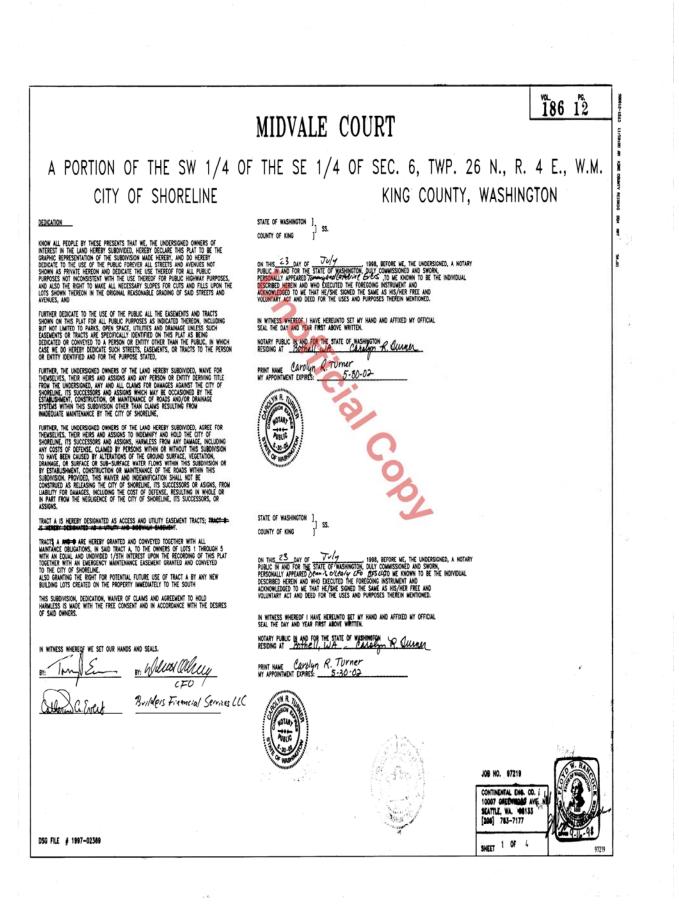
ATTACHMENT B

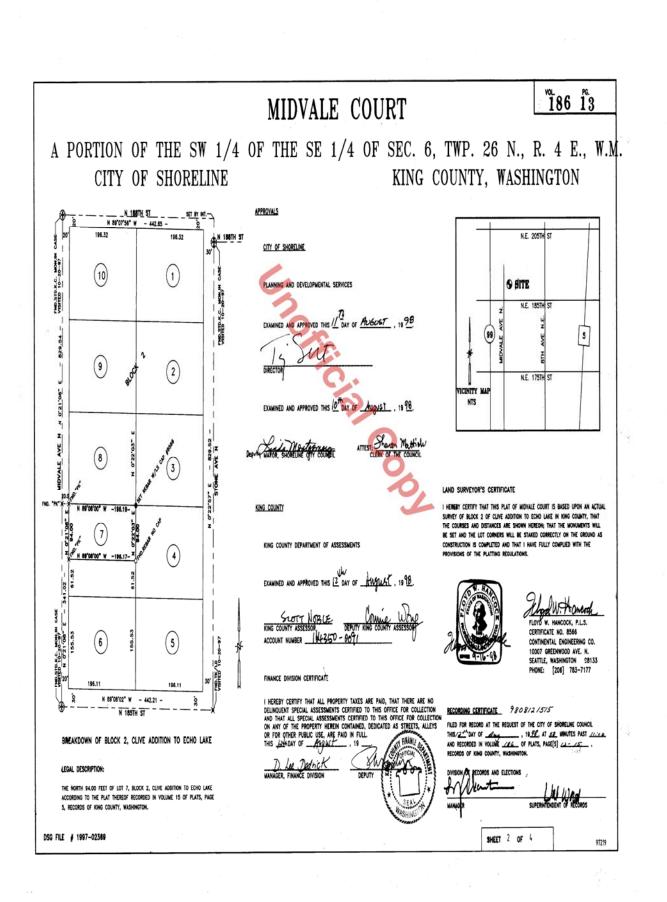


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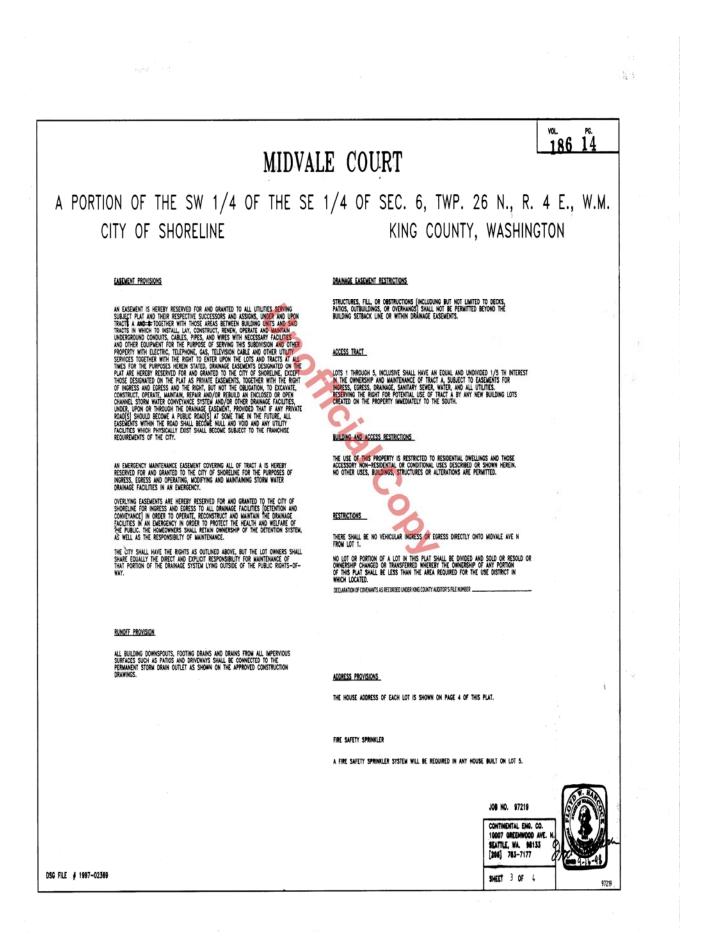
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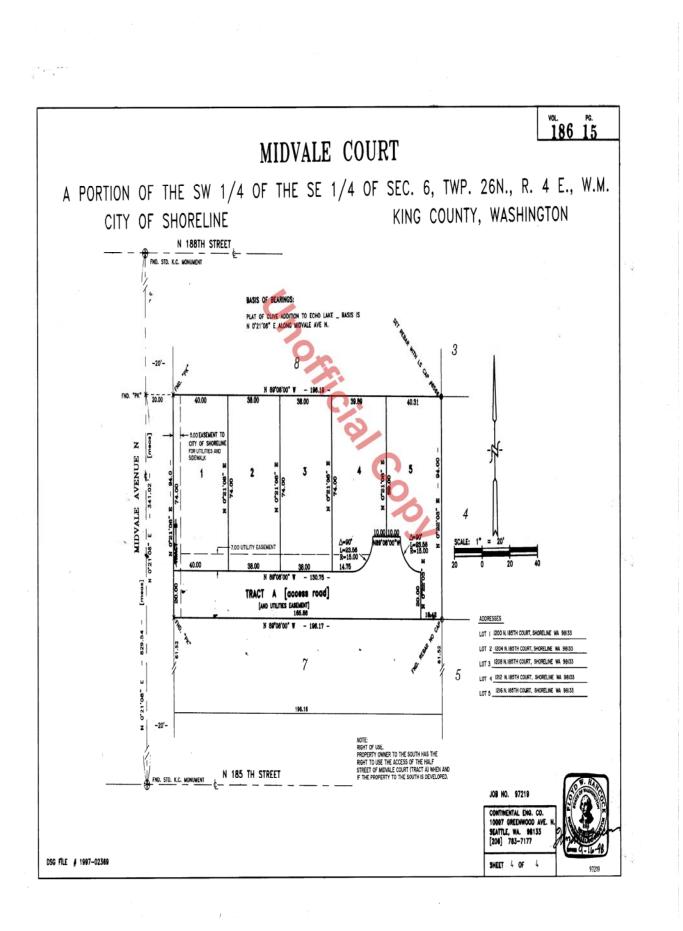
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I, <u>Guo Chan Wu</u>, an the legal property owner of record or authorized representative of the property owner for property located at 1205 N 185th Court, Shoreline, Washington and legally identified as King County Tax Parcel No.164350-0089; Lot 2 of Short Plat No. SHSP-98055, Recording No. 9904229001.

I understand that the above-named Plat is subject to a surveyor error regarding the southern boundary line and that the consent of a majority of the property owners within the Plat must agree for this Plat to be altered so as to correct the error.

I fully understand the consequences the alteration will have on my property ownership and that I was free to seek legal counsel prior to signing this Property Owner Consent to File Plat Alteration Application.

Therefore, knowingly and voluntarily, I authorize and consent for a Plat Alteration Application be submitted the purpose of correcting the surveyor error; with the processing of that application at no expense to myself.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signature:
Title (if authorized representative): Guo Chan Wu
Date and Place of Signature: <u>March 18th, 2020</u>

ww.

I, <u>Hung</u> <u>Bui</u>, am the legal property owner of record or authorized representative of the property owner for property located at 1201 N 185th Court, Shoreline, Washington and legally identified as King County Tax Parcel No.164350-0090; Lot 1 of Short Plat No. SHSP-98055, Recording No. 9904229001.

I understand that the above-named Plat is subject to a surveyor error regarding the southern boundary line and that the consent of a majority of the property owners within the Plat must agree for this Plat to be altered so as to correct the error.

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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

_____ Title (if authorized representative): ______ Date and Place of Signature: 13 - 17 - 19, Showline, WA

Plat Alteration – Survey Error (CAO/Aug 2019)

I, ______, am the legal property owner of record or authorized representative of the property owner for property located at 1201 N 185th Court, Shoreline, Washington and legally identified as King County Tax Parcel No.164350-0090; Lot 1 of Short Plat No. SHSP-98055, Recording No. 9904229001.

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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signature:

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I, Thuy B(1), am the legal property owner of record or authorized representative of the property owner for property located at 1201 N 185th Court, Shoreline, Washington and legally identified as King County Tax Parcel No.164350-0090; Lot 1 of Short Plat No. SHSP-98055, Recording No. 9904229001.

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Therefore, knowingly and voluntarily, I authorize and consent for a Plat Alteration Application be submitted the purpose of correcting the surveyor error; with the processing of that application at no expense to myself.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

They see Signature: Title (if authorized representative): 2/17/19 Date and Place of Signature: _

Plat Alteration – Survey Error (CAO/Aug 2019)

I, <u>Wan Rong Yang</u>, an the legal property owner of record or authorized representative of the property owner for property located at 1205 N 185th Court, Shoreline, Washington and legally identified as King County Tax Parcel No.164350-0089; Lot 2 of Short Plat No. SHSP-98055, Recording No. 9904229001.

I understand that the above-named Plat is subject to a surveyor error regarding the southern boundary line and that the consent of a majority of the property owners within the Plat must agree for this Plat to be altered so as to correct the error.

I fully understand the consequences the alteration will have on my property ownership and that I was free to seek legal counsel prior to signing this Property Owner Consent to File Plat Alteration Application.

Therefore, knowingly and voluntarily, I authorize and consent for a Plat Alteration Application be submitted the purpose of correcting the surveyor error; with the processing of that application at no expense to myself.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signature: <u>Wan Rong Gang</u>

 Title (if authorized representative):
 Wan Rong Yang

 Date and Place of Signature:
 March 18th, 2020