SEATTLE CITY COUNCIL

Legislative Summary

CB 118673

Record No.: CB 118673 **Type:** Ordinance (Ord) **Status:** Passed

Version: 2 **Ord. no:** Ord 125039 **In Control:** City Clerk

File Created: 04/06/2016

Final Action: 05/27/2016

Title: AN ORDINANCE approving and confirming the plat of "Kubota East" in the portions of Northeast 1/4 of Northwest 1/4 of Section 2, Township 23 North, Range 4 East, W.M. in King County, Washington.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: O'Brien

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Att 1 - Bond

Drafter: amy.gray@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File **Legal Notice Published:** ☐ Yes ☐ No

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	04/26/2016	Mayor's leg transmitted to Council	City Clerk			
	Action Text: The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk						
	Notes:						
1	City Clerk	04/26/2016	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
	Notes:						
1	Council President's Office	04/26/2016	sent for review	Full Council			
	Action Text: The Council Bill (CB) was sent for review. to the Full Council						
	Notes:						
1	Full Council	05/03/2016	referred	Full Council			
	Action Text: The Council Bill (CB) was referred. to the Full Council						
	Notes:						
1	Full Council	05/16/2016	passed as amended				Pass

Action Text: The Motion carried, the Council Bill was passed as amended by the following vote, and the President signed the Bill:

Notes: ACTION 1:

Motion was made and duly seconded to pass Council Bill 118673.

ACTION 2:

Motion was made by Councilmember Johnson, duly seconded and carried, to amend Council Bill 118673, by substituting version 2 for version 1a.

ACTION 3:

Motion was made and duly seconded to pass Council Bill 118673 as amended.

In Favor: 8 Councilmember Bagshaw, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien, Councilmember Sawant

Opposed: 0

2	City Clerk	05/20/2016	submitted for Mayor's signature	Mayor

Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor

Notes:

2	Mayor	05/27/2016	Signed

Action Text: The Council Bill (CB) was Signed.

Notes:

2	Mayor	05/27/2016	returned	City Clerk

Action Text: The Council Bill (CB) was returned. to the City Clerk

Notes:

2	City Clerk	05/27/2016	attested by City Clerk

Action Text: The Ordinance (Ord) was attested by City Clerk.

Notes:

CITY OF SEATTLE

ORDINANCE 125039

COUNCIL BILL 118673

AN ORDINANCE approving and confirming the plat of "Kubota East" in the portions of Northeast 1/4 of Northwest 1/4 of Section 2, Township 23 North, Range 4 East, W.M. in King County, Washington.

WHEREAS, a proposed plat of "Kubota East" has been submitted for approval (Seattle Department of Construction and Inspections (SDCI) Permit No. 3006789, formerly Department of Planning and Development (DPD) Subdivision Application No. 9603347); and

WHEREAS, a proposed plat of "Kubota East" includes an easement to The City of Seattle for electrical, sewer, storm, and water purposes; and

WHEREAS, following review and recommendations by the various City departments that have jurisdiction in this matter and a public hearing by the Hearing Examiner of The City of Seattle, the Hearing Examiner approved the preliminary plat of "Kubota East" subject to certain conditions on May 31, 2006; and

WHEREAS, the subdivider has not completed installation and construction of the required facilities and improvements for the subdivision; and

WHEREAS, the subdivider has provided a surety bond in the amount of $815,000 that is acceptable to the City Attorney's Office; and

WHEREAS, the Director of Transportation and the Director of SDCI have, subject to Council approval, approved the final plat and have reported that the final plat now meets all of the requirements of the State platting law (chapter 58.17 RCW) and of the Seattle Municipal

Code (Chapter 23.22), except for the execution of the required certifications by the King County Assessor and the King County Finance Division; and

WHEREAS, the Director of Transportation and the Director of SDCI report that the plat of "Kubota East", a copy of which is in C.F. No. 301342, is now complete and ready for City Council approval; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The plat of "Kubota East," a platting of portions of the Northeast Quarter of the Northwest Quarter of Section 2, Township 23 North, Range 4 East, W.M., all in King County, Washington, is legally described as follows:

TRACT 1:
PARCEL D, SEATTLE SHORT SUBDIVISION NO. 81-15, RECORDED UNDER RECORDING NO. 8105110658, RECORDS OF KING COUNTY, WASHINGTON.

TRACT 2:
PARCEL B, SEATTLE SHORT SUBDIVISION NO. 81-15, RECORDED UNDER RECORDING NO. 8105110658, RECORDS OF KING COUNTY, WASHINGTON.

TRACT 3:
PARCEL C, SEATTLE SHORT SUBDIVISION NO. 81-15, RECORDED UNDER RECORDING NO. 8105110658, RECORDS OF KING COUNTY, WASHINGTON.

TRACT 4:
THE WEST 25.00 FEET OF LOT 28, THE FIRST ADDITION TO RAINIER BEACH, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 8 OF PLATS, PAGE 89, RECORDS OF KING COUNTY, WASHINGTON.

TRACT 5:
PARCEL B, SEATTLE SHORT SUBDIVISION NO. 80-047, RECORDED UNDER RECORDING NO. 8007110585, RECORDS OF KING COUNTY, WASHINGTON.

TRACT 6
PARCEL B, SEATTLE SHORT SUBDIVISION NO. 79-243, RECORDED UNDER RECORDING NO. 8002220789, RECORDS OF KING COUNTY, WASHINGTON.

TRACT 7:
PARCEL D, SEATTLE SHORT SUBDIVISION NO. 78-250, RECORDED UNDER RECORDING NO. 7908030655, RECORDS OF KING COUNTY, WASHINGTON.

TRACT 8:
PARCEL C, SEATTLE SHORT SUBDIVISION NO. 78-250, RECORDED UNDER RECORDING NO. 7908030655, RECORDS OF KING COUNTY, WASHINGTON.

TRACT 9:
THAT PORTION OF LOT 26, FIRST ADDITION TO RAINIER BEACH, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 8 OF PLATS, PAGE 89, RECORDS OF KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 26;
THENCE NORTH 30°17'26" EAST 62.50 FEET TO A POINT OF A CURVE TO THE LEFT HAVING A RADIUS OF 140.00 FEET;
THENCE NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 30°01'10" AN ARC DISTANCE OF 73.35 FEET;
THENCE NORTH 00°16'16" EAST 1.63 FEET TO THE NORTH LINE OF SAID LOT 26;
THENCE SOUTH 89°39'52" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 50.00 FEET;
THENCE SOUTH 00°16'16" WEST A DISTANCE OF 1.57 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 190.00 FEET;
THENCE SOUTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 30°01'10" AND ARC DISTANCE OF 99.55 FEET;
THENCE SOUTH 30°17'26" WEST A DISTANCE OF 33.69 FEET TO THE SOUTH LINE OF SAID LOT 26;
THENCE NORTH 89°39'52" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 57.70 FEET TO THE TRUE POINT OF BEGINNING.

TRACT 10:
PARCEL B, LOT BOUNDARY ADJUSTMENT NO. 9804401, RECORDED UNDER RECORDING NO. 9904269013, RECORDS OF KING COUNTY, WASHINGTON;
EXCEPT THAT PORTION CONVEYED TO THE CITY OF SEATTLE UNDER RECORDING NO. 20050920000412.

ALL OF SAID TRACTS SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

Section 2. With respect to the plat of "Kubota East," together with any interest in abutting streets, as executed by Venny Van, Phong Le, as separate estates and Kubota East Homeowners' Association, and approved by the Director of Transportation and the Director of the Seattle Department of Construction and Inspections, the following findings are hereby made:

(a) The final plat is in substantial conformance with the approved preliminary plat; and

(b) When both the King County Assessor and King County Finance Division have affixed their certifications as required by RCW 58.17.160(4), the requirements of State law and

City ordinances that were in effect at the time of preliminary plat approval will also have been satisfied by the subdivider;

(c) The requirement of a bond under Subsections 23.22.070.C and 23.22.074.A.3 of the Seattle Municipal Code has been provided to secure completion of facilities and improvements required as a condition of the plat, which improvements must be completed within two years of the effective date of this ordinance; and

(d) The public use and interest will be served by the establishment of the plat, and the plat makes appropriate provision for the public health, safety, and general welfare.

Section 3. The plat of "Kubota East," a subdivision of portions of the Northeast Quarter of the Northwest Quarter of Section 2, Township 23 North, Range 4 East, W.M., King County, Washington, is in all respects approved and the plat confirmed and accepted, subject to certification by the King County Assessor and King County Finance Division, and the City Clerk is hereby authorized and directed to execute a certificate upon the face of such plat attesting to the approval thereof as evidenced by enactment of this ordinance.

Section 4. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 16th day of MAY, 2016, and signed by me in open session in authentication of its passage this 16th day of MAY, 2016.

President _____ of the City Council

Approved by me this 27th day of May, 2016.

Edward B. Murray, Mayor

Filed by me this 27th day of May, 2016.

Monica Martinez Simmons, City Clerk

(Seal)

Attachment 1: Bond

Attachment 1: Bond
v1

FILED
CITY OF SEATTLE
2016 APR 14 AM 9:53
CITY CLERK

BOND NO. SUR40008859

SEATTLE PUBLIC PLACE IMPROVEMENT AND SUBDIVISION SURETY BOND

STREET USE PERMIT No: 207539

KNOW ALL PEOPLE BY THESE PRESENTS: That PHONG LE, Personally and as owner the
(Type or print name of principal)

as Principal and IRONSHORE INDEMNITY INC. (Type or print name of surety), a MINNESOTA (and name of state) corporation authorized to do, and doing, business as a surety company in the State of Washington, as Surety, are held and firmly bound unto **The City of Seattle** ("Seattle"), a municipal corporation of the State of Washington, in the sum of EIGHT HUNDRED FIFTEEN THOUSAND and 00/100s DOLLARS ($815,000.00), lawful money of the United States, for the payment of which we jointly and severally bind ourselves, and each of our heirs, executors, administrators, successors and assigns, firmly by these presents.

Pursuant to the provisions of Seattle Municipal Code ("SMC") Title 15 and SMC Title 23 Chapter 22, Principal filed with the City of Seattle Subdivision Application No. 9603347 and 3006789 (the "Plat") and has also filed an application for the above-referenced street use permit (the "Permit") for the use of certain public areas for construction of improvements, both public and private, at 9736 LINDSAY PL S, SEATTLE, WA Seattle, Washington, the requirements of which Plat and street use Permit are made a part of this bond; and Seattle has consented to the furnishing of this bond in lieu of completion of all required improvements as provided in SMC 15.04.040 and SMC 23.22.070; therefor

This Bond is entered into with Seattle for Seattle's use and benefit and is subject to the following conditions:

1. If Principal:
   a. Faithfully complies with all the terms of the Permit and Plat and all applicable provisions in the laws of the State of Washington and Seattle's ordinances, particularly SMC Title 15 and Title 23 Chapter 22, all as of the date of this bond; and
   b. Pays the cost of inspection under the Permit and Plat upon invoiceby Seattle; and
   c. Removes any permitted structure or obstruction in the public right of way that becomes insecure or unsafe, or is not constructed or maintained in accordance with the terms of the Permit, upon notice from the Seattle; and
   d. Reimburses Seattle for any and all expenses incurred under SMC Title 15 and Title 23 Chapter 22 in connection with the project or work described in the Permit and Plat as approved by City Council; and
   e. Pays the cost of restoring the public area to its proper condition, plus fifteen percent (15%) of such cost, together with any other expense that Seattle may sustain in connection therewith; and
   f. Pays all Permit fees as required by Seattle ordinance, resolution, rule or regulation; and
   g. Pays interest at a rate of twelve percent (12%) per annum on any and all payments due to Seattle from and after the date of delinquency to the date of payment;

then this Bond shall be void; otherwise, it shall remain in full force and effect.

2. Surety shall not be discharged by anything which will not discharge Principal. Surety waives notice of any alteration or extension of time made by Seattle with respect to said permit.
3. If Seattle declares Principal to be in default and gives Surety written notice of Principal's default, Surety shall promptly and diligently:
   a. Remit all sums due and payable to Seattle hereunder; and
   b. Remedy all non-monetary defaults or request Seattle to arrange for satisfaction, on behalf of Principal and Surety, of their non-monetary obligations under the Permit, Plat and this Bond, and reimburse Seattle, in cash, up to the penal sum of this Bond, all Seattle's costs for such work together with all other reasonable costs and expenses Seattle incurs as a result of Principal's default and Surety's request, including but not limited to those for mitigation of Seattle losses, attorneys' fees, and for reasonably necessary actions to preserve public and private property from damage prior to Surety's exercising any option available to it under this Bond.
4. The venue for any action arising out of or in connection with this bond shall be in King County Superior Court in the State of Washington. Surety acknowledges that it is bound by the laws, and subject to the jurisdiction of the courts, of the State of Washington.
5. No rider, amendment, or other document modifies this Bond unless in writing and accepted by the City of Seattle.

APPROVED AS TO FORM AND
SUFFICIENCY OF SURETY
PETER S. HOLMES
CITY ATTORNEY

Rebecca Kerr
ASSISTANT

3/31/2016
DATE

BOND NUMBER: SUR40008859

NOTE TO PRINCIPAL REGARDING SIGNATURE(S): This bond must be signed by the president or vice-president of a corporation; managing general partner of a partnership; managing joint venturer of a joint venture; member, or if designated, manager, of a limited liability company; or owner(s) of a sole proprietorship. If the bond is signed by a person with any other title or position, Principal must attach currently dated, written proof of that person's authority to bind Principal, identifying and quoting the corporate articles of incorporation, bylaws, partnership agreement, resolution, L.L.C. certificate of formation, or other document that authorizes delegation of signature authority to such signer, and confirmation acceptable to Seattle that such delegation is in full force and effect.

IMPORTANT: Every Surety named on this bond must either appear on the United States Treasury Department's most current list (Circular 570 as amended or superseded) or have a current rating of at least A-:VII in A. M. Best's Key Rating Guide. Additionally, every Surety named on this bond must be authorized by the Washington State Insurance Commissioner to transact business as a surety in the State of Washington.

A NOTARY PUBLIC MUST ACKNOWLEDGE EACH SIGNATURE ON THIS BOND.

FOR SURETY: IRONSHORE INDEMNITY INC.

By: Jacqueline Casey
(Signature of Attorney-In-Fact)

Jacqueline Casey, Attorney-In-Fact
(Type or print name of Attorney-In-Fact)

(206) 281-8411
(Type or print telephone number for Attorney-In-Fact)

Ironshore Indemnity Inc. CORPORATE SEAL 1919 MINNESOTA

FOR PRINCIPAL: PHONG LE

By: _____
(Signature(s) of authorized signer(s) for Principal)

Phong Le, Owner
(Type or print name(s) and title of signer(s) for Principal)

206-851-7777
(Type or print telephone number(s) of signer(s) for Principal)

STATE OF Washington)
) ss: **(PRINCIPAL'S ACKNOWLEDGMENT)**
COUNTY OF King)

On this 22 day of March, 2016, before me a notary public in and for the State of Washington, duly commissioned and sworn, personally appeared Phong Le, who executed the foregoing bond, and acknowledged to me that he signed and sealed said bond as the free and voluntary act and deed of the Principal so identified in the foregoing bond for the uses and purposes therein mentioned, and on oath stated that he is/are authorized to execute said bond for the Principal named therein.

WITNESS my hand and official seal hereto affixed the day and year in this certificate first above written.

_____
(Signature of Notary Public)

Jaime Dye
(Print or type name of Notary Public)

Notary Public in and for the State of Washington residing at Seattle, Washington
My commission expires March 31, 2019.

NOTARY PUBLIC JAIME DYE COMM. EXPIRES MARCH 31, 2019 STATE OF WASHINGTON

STATE OF Washington)
) ss: **(SURETY'S ACKNOWLEDGMENT)**
COUNTY OF King)

On this 22 day of March, 2016, before me a notary public in and for the State of Washington, duly commissioned and sworn, personally appeared Jacqueline Casey, Attorney-in-Fact for the Surety that executed the foregoing bond, and acknowledged said bond to be the free and voluntary act and deed of the Surety for the uses and purposes therein mentioned, and on oath stated that she is authorized to execute said bond on behalf of the Surety, and that the seal affixed on said bond or the annexed Power of Attorney is the corporate seal of said Surety.

WITNESS my hand and official seal hereto affixed the day and year in this certificate first above written.

_____
(Signature of Notary Public)

Jaime Dye
(Print or type name of Notary Public)

Notary Public in and for the State of _____ residing at Seattle, Washington
My commission expires March 31, 2019.

NOTARY PUBLIC JAIME DYE COMM. EXPIRES MARCH 31, 2019 STATE OF WASHINGTON

POWER OF ATTORNEY

SUR40008859

Ironshore Indemnity Inc.

KNOW ALL MEN BY THESE PRESENTS, that IRONSHORE INDEMNITY INC., a Minnesota Corporation, with its principal office in New York, NY does hereby constitute and appoint: Jacqueline Casey, Attorney-in-Fact its true and lawful Attorney-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, a Improvement Surety Bond under bond or undertaking number SUR40008859 issued on behalf of, Phong Le as principal in the penal sum of $815,000.00

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of IRONSHORE INDEMNITY INC. on the 22nd Day of April, 2013 as follows:

Resolved, that the Director of the Company is hereby authorized to appoint and empower any representative of the company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed $815,000.00 dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the Director and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, IRONSHORE INDEMNITY INC. has caused this instrument to be signed by its Director, and its Corporate Seal to be affixed this 1st Day of May, 2013.

IRONSHORE INDEMNITY INC.

Ironshore Indemnity Inc. CORPORATE SEAL 1918 Minnesota

By: _____
Daniel L. Sussman
Director

ACKNOWLEDGEMENT

On this 1st Day of May, 2013, before me, personally came Daniel L. Sussman to me known, who being duly sworn, did depose and say that he is the Director of Ironshore Indemnity, Inc. , the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.

CHRISTOPHER L. DOBBS STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY

_____
Christopher L. Dobbs
Notary Public

MY COMMISSION EXPIRES:
June 21, 2016

CERTIFICATE

I, the undersigned, Secretary of IRONSHORE INDEMNITY INC., A Minnesota Company, DO HEREBY CERTIFY that the original Power of Attorney of which the foregoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Sealed at this 22nd Day of March , 2016.

Ironshore Indemnity Inc. CORPORATE SEAL 1918 Minnesota

_____
Paul S. Giordano
Secretary

"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."