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MOTION NO. 2429

A MOTION ordering the vacation of a Declaration of Restrictions of record under Auditor's File No. 6508970 and directing the Department of Records and Elections to note said vacation upon the plat of PACIFIC PARK ESTATES DIVISION No. 2, Volume 91 of plats, page 86.

WHEREAS, Chapter 58.12 R.C.W. provides for the alteration and vacation of plats by the King County Council; and,

WHEREAS, owners of property in the plat of PACIFIC PARK ESTATES DIVISION No. 2, Volume 91 of Plats, page 86, have petitioned the King County Council to vacate certain restrictions of record under Auditor's File No. 6508970; and

WHEREAS, the Zoning and Subdivision Examiner, by report dated March 19, 1976 on Building and Land Development File No. 869-5, recommended that said plat restrictions be vacated provided the petitioners execute a Hold Harmless Agreement in a form approved by the Office of Prosecuting Attorney; and,

WHEREAS, the King County Council concurs with the Examiner's recommendation and adopts as its own the Findings and Conclusions set forth in the Examiner's report; and,

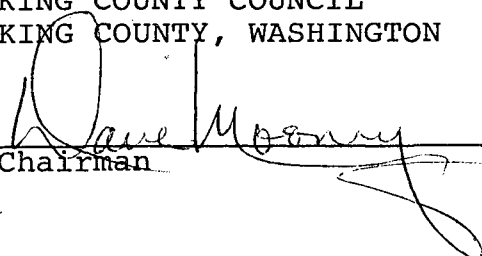
WHEREAS, the Hold Harmless Agreement dated April 2, 1976 and attached hereto satisfied the condition recommended by the Examiner.

NOW THEREFORE, BE IT MOVED by the Council of King County: The Declaration of Restrictions of record under Auditor's File No. 6508970 is hereby vacated. The King County Department of Records and Elections is directed to record this order of

1 vacation together with the Hold Harmless Agreement attached
2 hereto and to note said vacation on the Plat of PACIFIC PARK
3 ESTATES DIVISION No. 2, Volume 91 of Plats, page 86, in
4 accordance with R.C.W. 58.12.060.

5 PASSED at a regular meeting of the King County Council
6 this 19th day of April, 1976.

7 KING COUNTY COUNCIL
8 KING COUNTY, WASHINGTON

9 
10 Chairman

11 ATTEST:

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13 Clerk of the Council

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HOLD HARMLESS AGREEMENT

WHEREAS, the undersigned property owner within the Plat of Pacific Park Estates Division No. 2, King County, Washington, was instrumental in bringing on for hearing a petition to vacate a certain covenant contained within the plat restrictions of said plat which said covenant purports to establish a trust fund into which lot owners were to contribute the sum of \$5.00 per month in order to create a fund to accrue for the purpose of providing for the installation of permanent sewers within the said plat, and

WHEREAS, it was made to appear at the hearing hereof before the Zoning Examiner of King County, Washington that said trust fund has never been established and that the original plat developer no longer is in business, and

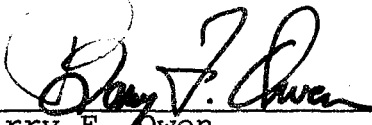
WHEREAS, a hearing was held upon the aforesaid petition on February 17, 1976, at which time it appeared from the records herein that 96 percent of the owners of lots in the aforesaid plat and subdivision had signed the petition for vacation, and that all plat owners had received actual notice of the public hearing on the proposed vacation as described in said petition and that no one had testified in opposition to the vacation of the plat restriction, and


WHEREAS, upon the conclusion of the said hearing, the said Examiner recommended vacation of the declaration of restriction of record, Auditor's File No. 6508970, the same being found to be in the public use and interest, all subject to the execution of a hold harmless agreement in form to be approved by the Office of the Prosecuting Attorney of King County, Washington, NOW, THEREFORE,

The undersigned property owner within the aforesaid plat does hereby agree as follows:

(1) That the undersigned will indemnify and hold harmless King County, Washington from all claims arising from the vacation of the aforesaid plat restriction.


DATED this 2nd day of April, 1976.


Barry F. Owen


Linda R. Owen, his wife

Address: 24256 S. E. 32nd
Issaquah, WA 98027

Witness:


Address: 26727 17th Pl. S.
Kent, Wa. 98031