

March 15, 1984
3730/HK/hz

INTRODUCED BY: BRUCE LAING

PROPOSED BY: 83-212

MOTION NO. 5952

A MOTION relating to standard conditions for the approval of subdivisions and short subdivisions regarding dedications and indemnification.

WHEREAS, RCW 58.17.165, the State Subdivision Act, requires the certification that all public roads, easements, and tracts have been dedicated to King County;

WHEREAS, RCW 58.17.165 requires a waiver of claims for all damages against King County due to the establishment, construction, and maintenance of said roads;

WHEREAS, the State Subdivision Act is silent as to requirements for waivers and hold harmless agreements for other aspects of subdivision approval;

WHEREAS, the Home Rule charter gives King County the authority to remedy this ambiguity;

WHEREAS, there has been a lack of standards for waivers, dedications, and indemnifications;

NOW, THEREFORE BE IT MOVED by the Council of King County:

A. It is the policy of the King County Council that the following shall be included as a standard condition of approval on all subdivisions and on those short subdivisions which require dedication of public road rights-of-way, construction of public roads and/or installation of surface water retention/detention facilities:

All persons having an ownership interest in the subject property shall sign on the face of the final plat/short plat the following language:

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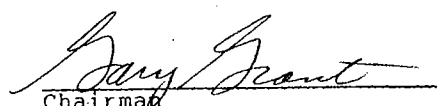
KNOW ALL PEOPLE BY THESE PRESENTS that we, the undersigned owners of interest in the land hereby subdivided/short-subdivided, hereby declare this plat/short plat to be the graphic representation of the subdivision/short subdivision made hereby, and do hereby dedicate to the use of the public forever all streets and avenues not shown as private hereon and dedicate the use thereof for all public purposes not inconsistent with the use thereof for public highway purposes, and also the right to make all necessary slopes for cuts and fills upon the lots shown thereon in the original reasonable grading of said streets and avenues, and further dedicate to the use of the public all the easements and tracts shown on this plat/short plat for all public purposes as indicated thereon, including but not limited to parks, open space, utilities and drainage unless such easements or tracts are specifically identified on this plat/short plat as being dedicated or conveyed to a person or entity other than the public.

Further the undersigned owners of the land hereby subdivided/short subdivided waive for themselves, their heirs and assigns and any person or entity deriving title from the undersigned, any and all claims for damages against King County, its successors and assigns which may be occasioned by the establishment, construction, or maintenance of roads and/or drainage systems within this subdivision/short subdivision other than claims resulting from inadequate maintenance by King County.

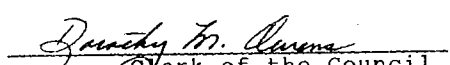
Further, the undersigned owners of the land hereby subdivided/short subdivided agree for themselves, their heirs and assigns to indemnify and hold King County, its successors and assigns, harmless from any damage, including any costs of defense, claimed by persons within or without this subdivision/short subdivision to have been caused by alterations of the ground surface, vegetation, drainage, or surface or sub-surface water flows within this subdivision/short subdivision or by establishment, construction or maintenance of the roads within this subdivision/short subdivision. Provided, this waiver and indemnification shall not be construed as releasing King County, its successors or assigns, from liability for damages, including the cost of defense, resulting in whole or in part from the negligence of King County, its successors, or assigns.

PASSED this 26th day of March, 1984.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Chairman

ATTEST:


Clerk of the Council