



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

July 24, 2001

Ordinance 14176

Proposed No. 2001-0256.2

Sponsors Pullen

1 AN ORDINANCE relating to the recording of official
2 documents with the records and elections division,
3 correcting references in the King County Code; and
4 amending Ordinance 4257, Section 17, and K.C.C.
5 12.46.170, Ordinance 7444, Section 5, and K.C.C.
6 15.90.050, Ordinance 13694, Section 47, and K.C.C.
7 19A.08.120, Ordinance 11620, Section 14, as amended,
8 and K.C.C. 20.62.070, Ordinance 13263, Section 23, and
9 K.C.C. 23.24.040, Ordinance 13263, Section 24, and
10 K.C.C. 23.24.050, Ordinance 13263, Section 48, and
11 K.C.C. 23.40.010, Ordinance 13263, Section 49, and
12 K.C.C. 23.40.020 and Ordinance 13263, Section 51, and
13 K.C.C. 23.40.040.

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16 **BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:**

17 SECTION 1. Ordinance 4257, Section 17, and K.C.C. 12.46.170 are each hereby
18 amended to read as follows:

19 **Abatement.** A. In addition to or as an alternative to any other judicial or
20 administrative remedy provided in this chapter or by law or other ordinance, the director
21 may order a condition in violation of this chapter to be abated. The director may order
22 any person who creates or maintains such a violation to commence corrective work and
23 to complete the work within such time as the director determines reasonable under the
24 circumstances.

25 B. If the required corrective work is not commenced or completed within the
26 time specified, the director may proceed to abate the violation and cause the necessary
27 work to be accomplished. King County shall have a lien for the cost of the work
28 accomplished pursuant to this ordinance, which shall be the joint and separate personal
29 obligations of the person or persons responsible for the violation. The director shall
30 cause a claim for lien to be ~~((filed for records))~~ recorded with the ~~((Division of))~~
31 ~~((R))~~records and ~~((E))~~elections division, or its successor agency.

32 C. The lien created by this chapter shall be paramount to all other liens, except
33 for federal, state and county taxes, with which it shall be on a parity. The prosecuting
34 attorney on behalf of King County may collect the abatement work costs by use of all
35 appropriate legal remedies, including foreclosure of the lien.

36 SECTION 2. Ordinance 7444, Section 5, and K.C.C. 15.90.050 are each hereby
37 amended to read as follows:

38 **Charter.** The charter of the authority (the "charter"), Exhibit A of Ordinance
39 7444, is hereby approved. The charter shall be issued in duplicate originals, each bearing

40 the county seal attested by the council clerk. One original shall be (~~filed~~) recorded with
41 the county (~~division of~~) records and elections division, or its successor agency; a
42 duplicate original shall be provided to the authority. The charter shall be amended only
43 by county ordinance adopted at or after a public hearing held with notice to the public
44 authority and authority directors and affording them a reasonable opportunity to be heard
45 and present testimony.

46 SECTION 3. Ordinance 13694, Section 47, and K.C.C. 19A.08.120 are each
47 hereby amended to read as follows:

48 **Affidavit of correction.** A. Any map page or document (~~on file~~) recorded with
49 the records and elections division, or its successor agency, under the provisions of this
50 title that contains an error in fact or omission may be amended by an affidavit of
51 correction. The following types of errors may be corrected by affidavit:

- 52 1. Any courses, distances or elevations omitted from the recorded document;
- 53 2. An error in any courses, distances or elevations shown on the recorded
54 document;
- 55 3. An error in the description of the real property shown on the recorded
56 document;
- 57 4. An error in the field location of any shown easement; or
- 58 5. Any other error or omission where the error or omission is ascertainable from
59 the data shown on the recorded document.

60 B. Nothing in this section shall be construed to permit changes in courses,
61 distances or elevations for the purpose of redesigning lot or tract configurations.

62 C. The affidavit of correction shall contain the seal and signature of the land
63 surveyor making the correction.

64 D. The affidavit of correction shall set forth in detail the corrections made and
65 show the names of the present fee owners of the property materially affected by the
66 correction. The notarized signatures of the owners shall be required, if deemed necessary
67 by the department.

68 E. The affidavit of correction form, as provided by the department, shall be
69 submitted to the department for review and approval and shall include signatures of the
70 development engineer, the director of the department, the King County assessor and the
71 manager of the King County (~~division of~~) records and elections division, or its
72 successor agency. After department approval, the affidavit shall be recorded with the
73 records and elections division, or its successor agency. Submittals shall include payment
74 of fees as authorized by K.C.C. Title 27.

75 F. Should a nonsurvey-related error occur on the recorded document as a result of
76 information required to be placed on the document by the department, the department's
77 responsible land surveyor may prepare the affidavit providing the original land surveyor
78 has no objections. The seal and signature of the department's responsible land surveyor
79 making the correction shall be affixed to the affidavit. A copy of the affidavit shall be
80 mailed by the department to the original land surveyor following recording.

81 SECTION 4. Ordinance 11620, Section 14, as amended, and K.C.C. 20.62.070
82 are each hereby amended to read as follows:

83 **Designation procedure.** A. The commission may approve, deny, amend or
84 terminate the designation of a(~~n~~) historic resource as a landmark or community

85 landmark only after a public hearing. At the designation hearing the commission shall
86 receive evidence and hear argument only on the issues of whether the historic resource
87 meets the criteria for designation of landmarks or community landmarks as specified in
88 ~~((Section))~~ K.C.C. 20.62.040 ~~((of this chapter))~~ and merits designation as a landmark or
89 community landmark; and the significant features of the landmark. The hearing may be
90 continued from time to time ~~((in))~~ at the discretion of the commission. In the event the
91 hearing is continued, the commission may make a preliminary determination of
92 significance if the commission determines, based on the record before it that the historic
93 resource is of significant value and likely to satisfy the criteria for designation ~~((set-out))~~
94 in ~~((Section))~~ K.C.C. 20.62.040. ~~((Such))~~ The preliminary determination shall be
95 effective as of the date of the public hearing at which it is made. Where the commission
96 makes a preliminary determination, it shall specify the boundaries of the nominated
97 resource, the significant features thereof~~((,))~~ and such other description of the historic
98 resource as it deems appropriate. Within five working days after the commission has
99 made a preliminary determination, the historic preservation officer shall file a written
100 notice of ~~((such))~~ the action with the manager and mail copies of the ~~((same))~~ notice,
101 certified mail~~((/))~~, return receipt requested, to the owner, the person submitting the
102 nomination and interested persons of record. ~~((Such))~~ The notice shall include:

- 103 1. A copy of the commission's preliminary determination;
- 104 2. A statement that while proceedings pursuant to this chapter are pending, or
105 six months from the date of the notice, whichever is shorter, and thereafter if the
106 designation is approved by the commission, the certificate of appropriateness procedures
107 ~~((set-out))~~ in ~~((Section))~~ K.C.C. 20.62.080, a copy of which shall be enclosed, shall apply

108 to the described historic resource whether or not a building or other permit is required.

109 The decision of the commission shall be made after the close of the public hearing or at

110 the next regularly scheduled public meeting of the commission thereafter.

111 B. Whenever the commission approves the designation of a((#)) historic resource
112 under consideration for designation as a landmark, it shall, within fourteen calendar days
113 of the public meeting at which the decision is made, issue a written designation report
114 which shall include:

115 1. The boundaries of the nominated resource and such other description of the
116 resource sufficient to identify its ownership and location;

117 2. The significant features and such other information concerning the historic
118 resource as the commission deems appropriate;

119 3. Findings of fact and reasons supporting the designation with specific
120 reference to the criteria for designation ((set forth)) in ((Section)) K.C.C. 20.62.040;

121 4. A statement that no significant feature may be changed, whether or not a
122 building or other permit is required, without first obtaining a certificate of
123 appropriateness from the commission ((pursuant to the provisions of Section)) in
124 accordance with K.C.C. 20.62.080, a copy of which shall be included in the designation
125 report. This subsection shall not apply to historic resources designated as community
126 landmarks.

127 C. Whenever the commission rejects the nomination of a((#)) historic resource
128 under consideration for designation as a landmark, it shall, within fourteen calendar days
129 of the public meeting at which the decision is made, issue a written decision including
130 findings of fact and reasons supporting its determination that the criteria ((set forth)) in

131 ((Section)) K.C.C. 20.62.040 have not been met. If a((n)) historic resource has been
132 nominated as a land((-))mark and the commission designates ((such)) the historic
133 resource as a community landmark, ((such)) the designation shall be treated as a rejection
134 of the nomination for King County landmark status and the foregoing requirement for a
135 written decision shall apply. Nothing contained herein shall prevent renominating any
136 historic resource rejected under this subsection as a King County landmark at a future
137 time.

138 D. A copy of the commission's designation report or decision rejecting a
139 nomination shall be delivered or mailed to the owner, to interested persons of record and
140 the director within five working days after it is issued. If the commission rejects the
141 nomination and it has made a preliminary determination of significance with respect to
142 ((such)) the nomination, it shall include in the notice to the director a statement that ((the
143 ~~provisions of Section~~) K.C.C. 20.62.080 no longer ((apply)) applies to the subject
144 historic resources.

145 E. If the commission approves, or amends a landmark designation, ((the
146 ~~provisions of Section~~) K.C.C. 20.62.080 shall apply as approved or amended. A copy of
147 the commission's designation report or designation amendment shall be ((filed)) recorded
148 with the ((division of)) records and elections division, or its successor agency, together
149 with a legal description of the designated resource and notification that ((the provisions
150 of Sections)) K.C.C. 20.62.080 and 20.62.130 apply. If the commission terminates the
151 designation of a((n)) historic resource, ((the provisions of Section)) K.C.C. 20.62.080
152 shall no longer apply to ((said)) the historic resource.

153 SECTION 5. Ordinance 13263, Section 23, and K.C.C. 23.24.040 are each
154 hereby amended to read as follows:

155 **Recording.** A. Whenever a notice and order is served on a person responsible
156 for code compliance, the director shall ~~((file))~~ record a copy of the ~~((same))~~ notice and
157 order with the King County ~~((office of))~~ records and elections division, or its successor
158 agency.

159 B. When all violations specified in the notice and order have been corrected or
160 abated, the director shall ~~((file))~~ record a certificate of compliance with the King County
161 ~~((office of))~~ records and elections division, or its successor agency. The certificate shall
162 include a legal description of the property where the violation occurred and shall state
163 that any unpaid civil penalties for which liens have been ~~((filed))~~ recorded are still
164 outstanding and continue as liens on the property.

165 SECTION 6. Ordinance 13263, Section 24, and K.C.C. 23.24.050 are each
166 hereby amended to read as follows:

167 **Supplementation, revocation, modification.** A. Whenever there is new
168 information or a change in circumstances, a director may add to, rescind in whole or part
169 or otherwise modify a notice and order by issuing a supplemental notice and order. The
170 supplemental notice and order shall be governed by the same procedures applicable to all
171 notice and orders contained in this title.

172 B. A director may revoke or modify a notice and order issued under this title if
173 the original notice and order was issued in error or if a party to an order was incorrectly
174 named. ~~((Such))~~ The revocation or modification shall identify the reasons and underlying

175 facts for revocation and shall be ~~((filed))~~ recorded with the King County ~~((office of))~~
176 records and elections division, or its successor agency.

177 SECTION 7. Ordinance 13263, Section 48, and K.C.C. 23.40.010 are each
178 hereby amended to read as follows:

179 **Filing and contents.** A. Within ninety days from the date any civil penalty, civil
180 fine, abatement cost, or enforcement cost is due pursuant to this title, a director may
181 ~~((file))~~ record a lien against the property of a person responsible for code compliance for
182 the amount owing with the King County ~~((office of))~~ records and elections division, or its
183 successor agency.

184 B. The lien shall contain the following information:

- 185 1. The King County ~~((c))~~Code ~~((provision))~~ violated;
- 186 2. A brief description of the violation and its duration at the date of ~~((filing))~~
187 recording;
- 188 3. A brief description of the abatement work done, if any, and who performed
189 the abatement work;
- 190 4. The owner of the property, if known, or a statement that the owner is not
191 known;
- 192 5. A legal description of the property;
- 193 6. The amount of penalties, fines or costs that are owing; and
- 194 7. A sworn statement signed by a director that the director believes the claim is
195 just.

196 SECTION 8. Ordinance 13263, Section 49, and K.C.C. 23.40.020 are each
197 hereby amended to read as follows:

198 **Lien – supplemental.** A director may ~~((file))~~ record supplemental liens with the
199 King County ~~((office of))~~ records and elections division, or its successor agency, to
200 update information regarding penalties, fines, costs or fees contained in any existing lien.

201 SECTION 9. Ordinance 13263, Section 51, and K.C.C. 23.40.040 are each
202 hereby amended to read as follows:

203 A. No lien created by this title binds the property subject to the lien for a period
204 longer than three years after the lien claim has been recorded, unless an action to enforce
205 that lien is commenced in the proper court within three years after ~~((sue))~~ the recording.

206 ~~((A))~~ B. When all penalties ~~((and/))~~ or abatement costs, or both, assessed against
207 the property owner have been paid, the director shall expeditiously ~~((file))~~ record a
208 satisfaction of lien with the King County ~~((office of))~~ records and elections division, or
209 its successor agency. The satisfaction shall include a legal description of the property
210 where the violation occurred.

211

Ordinance 14176 was introduced on 5/7/01 and passed by the Metropolitan King County Council on 7/23/01, by the following vote:

Yes: 11 - Mr. von Reichbauer, Ms. Miller, Ms. Fimia, Mr. Pelz, Mr. McKenna, Ms. Sullivan, Mr. Nickels, Mr. Pullen, Ms. Hague, Mr. Thomas and Mr. Irons

No: 0

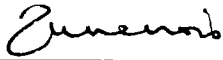
Excused: 2 - Mr. Phillips and Mr. Gossett

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



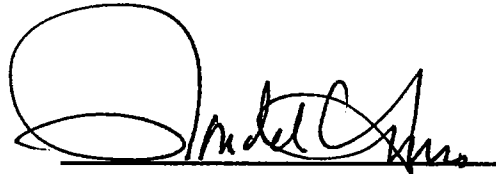
Pete von Reichbauer, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 31 day of July, 2001.



Ron Sims, County Executive

Attachments None