



MEMORANDUM

RECEIVED CITY OF REDMOND OCT 17 2016 HEARING EXAMINER EX. <u>5</u> FILE # _____

To: Gary McLean, Hearing Examiner Pro-Tem
From: Debby Wilson, City of Redmond Real Property Manager
Date: October 17, 2016

Reference: Technical Committee Report to Hearing Examiner – Rose Hill Subdivision

1. *Conclusion in Supporting of Recommendation*
 - Additional information requested
2. *Development Engineering Sections (Pages 19-24)*
 - Requirement of additional information supporting conveyance/acceptance of easements and dedications of lands not represented in title information

Issue(s):

- A. City has not been provided information that supports ownership of all of the land area proposed to be subdivided (specifically a 17.5 foot wide portion of land in the vicinity of the west area of subdivision and a 30 foot wide portion of land in the vicinity of the east area of the subdivision)
- B. City has not been provided information that clarifies the ownership, or rights of the owner, of the lands or property rights which are required to be dedicated or granted by easement for public purpose, specifically a 17.5 foot wide land area, which will establish a portion of 138th Ave NE, a public right of way.

Status:

City Staff has researched and secured historic documents; efforts have not provided sufficient information to support vested ownership of the 17.5 foot and 30 foot areas.

City has requested Applicant provide additional documentation supporting vested ownership, or their rights to the lands not addressed in the submitted title reports. Without such additional documentation, acceptance of the easements and dedications would not be supported (RCW 58.17.165)

Attachments:

Schedule A and Legal Descriptions from Applicant's Title Reports
Real Property Staff Notes
Deeds

Schedule A and Legal Descriptions

Two Parcels within Rose Hill Subdivision

ISSUING OFFICE:	FOR SETTLEMENT INQUIRIES, CONTACT:
Title Officer: Eastside Title Unit Chicago Title Company of Washington 10500 NE 8th St., Suite 600 Bellevue, WA 98004 Main Phone: (425)646-9883 Email: CTIBellevueETU@ctt.com	Escrow Officer: Jun Lu Chicago Title Company of Washington 10500 NE 8th St., Suite 600 Bellevue, WA 98004 Phone: 425-452-2771 Fax: 866-275-6133 Main Phone: (425)455-4995 Email: Jun.Lu@ctt.com

SCHEDULE A**ORDER NO. 0042720-ETU**

1. Effective Date: June 10, 2015 at 08:00 AM
2. Policy or (Policies) to be issued:
 - a. ALTA Owner's Policy 2006

Proposed Insured:	Robert H. Ford, a single person and not a registered domestic partner		
Policy Amount:	\$1,700,000.00		
Premium:	\$	3,207.00	
Tax:	\$	304.67	
Rate:	Standard		
Discount(s):	Combination		
Total:	\$	3,511.67	
3. The estate or interest in the land described or referred to in this Commitment is:

Fee Simple
4. Title to the estate or interest in the land is at the Effective Date vested in:

Landrich Holdings LLC, a Washington Limited Liability Company
5. The land referred to in this Commitment is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

END OF SCHEDULE A

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ALTA Commitment (Adopted: 06.17.2006)



EXHIBIT "A"
Legal Description

Commencing at the Northwest corner of Section 3 in Township 25 North of Range 5 East W.M. in King County, Washington;

thence, on the section line, North 88°23'56" East 2,694.92 feet to the true point of beginning;
thence South 03°21'30" East 516.218 feet;
thence South 88°23'56" West 787.87 feet;
thence North 01°36'04" West 514 feet;
thence North 88°23'56" East 773.45 feet to the true point of beginning;

Except the Northerly and Easterly 30 feet for road;
And except the Westerly 17.5 for road and utilities.

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ISSUING OFFICE:	FOR SETTLEMENT INQUIRIES, CONTACT:
Title Officer: Eastside Title Unit Chicago Title Company of Washington 10500 NE 8th St., Suite 600 Bellevue, WA 98004 Main Phone: (425)646-9883 Email: CTIBellevueETU@ctt.com	Escrow Officer: Paula Adams Chicago Title Company of Washington 10500 NE 8th St., Suite 600 Bellevue, WA 98004 Phone: 425-646-9882 Fax: 425-637-3367 Main Phone: (425)455-4995 Email: Paula.Adams@ctt.com

SCHEDULE A

ORDER NO. 0041889-ETU

1. Effective Date: May 22, 2015 at 08:00 AM
2. Policy or (Policies) to be issued:
 - a. ALTA Owner's Policy 2006
Proposed Insured: Robert H. Ford, Presumptively subject to the community interest of his/her spouse or registered domestic partner, if married or a registered domestic partner
 - Policy Amount: \$2,250,000.00
 - Premium: \$ 4,104.00
 - Tax: \$ 389.88
 - Rate: Standard
 - Discount(s): Ecommerce
 - Total: \$ 4,493.88
3. The estate or interest in the land described or referred to in this Commitment is:
Fee Simple
4. Title to the estate or interest in the land is at the Effective Date vested in:
Thomas W. Becker and Cheryl E. Hart, trustees of The Becker- Hart Revocable Living Trust, dated March 7, 2011
5. The land referred to in this Commitment is described as follows:
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

END OF SCHEDULE A



EXHIBIT "A"
Legal Description

Beginning at the Northwest corner of Section 3, Township 25 North, Range 5 East, W.M., in King County, Washington;

Thence East on Section line North 88°21'56" East 2694.92 feet;

Thence South 3°21'00" East 516.28 feet to the true point of beginning;

Thence South 3°21'30" East 243.14 feet;

Thence South 88°21'56" West 795.62 feet;

Thence North 1°36'04" West 242 feet;

Thence North 88°23'56" East 787.87 feet to the point of beginning;

Except the East 30 feet and the West 17.5 feet for road.

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ALTA Commitment (06/17/2006)

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Printed: 06.01.15 @ 06:45 AM
WA-CT-FNSE-02150.622475-SPS-1-15-0041889-ETU



Real Property Staff Notes

**City of Redmond
Real Property Staff Notes
Rose Hill Subdivision**

Proposed subdivision/development is encompassing more property area than what is supported by the provided title information for two areas - northern and southern parcels.

Specifically what else is needed: Title information specific to the area east 30' area and 17.5' area that were "excepted" from the preliminary title reports produced by Chicago Title Commitments 0042720 and 0041889. Who is/are the vested owner(s) and what are the encumbrances on the property? (The north 30' that was also "expected" out of the description/title has been researched and it was an area that was part of Portland Avenue that was established in 1932; no further information is needed regarding this area.)

Northern Area:

What is known through Redmond Staff research:

1936: Crawford and Imo Warren acquired property (full description has not been researched)

1952: Crawford Warren, provided who is now PSE with the right to place a single line of poles (with braces, guys and anchors), along the east side of a strip of land 17.5' in width. The 17.5' area is west of the property for which title information was provided by Chicago Title Commitment #0042720-ETU. The 17.5' was not an easement area, but was described for what appears to have been a convenient way of describing where PSE had authority to align a single line of poles and calling it a produced alignment of 138th Ave NE.

1959: Mr. Warren conveyed property to Interlake Rod and Gun Club, but he did not convey the north 30', the east 30' and the west 17.5' of a property. (The excepted north 30' is supported by the establishment of the road prior to Mr. Warren owning the property.)

All subsequent contracts and deeds that have been found without the assistance of a full title history report 1972 Rod and Gun Club to Lighfeldt/Stromberg; 1977 Institute to Lightfeldts; 1983 Nacht to Nacht; 1988 Lighfeldts to Nacht; 1994 Nacht to Lux; 1996 Lux to Lux; 1997 Lux to Landrich) reflect that the north 30', east 30' and the west 17.5' did not pass from Mr. Warren to any subsequent parties.

Chicago Title Commitment #0042720-ETU excepts out from the description, for which the title commitment is provided, for the north 30', east 30' and west 17.5' of a metes and bounds described area. Because the areas are "excepted", the subject report provides no vesting information or encumbrances for the three areas.

An unrecorded Survey also presents that the information provided by title report does not provided information for the west 17.5' or the east 30'.

Southern Area:

Chicago Title Commitment #0041889 -ETU, which is for the southern area of the property subdivision/development "excepts" out of a metes and bound legally described area the west 17.5' and the east 30', thus does not provide any vesting or title exceptions/encumbrance information.

Research was not done by City Staff on the southern property area, but it is noted that the title excepts out the east 30' but the title provided Quit Claim Deed only excepts 10'.

The area that Crawford Warren referenced in 1952 PSE document also was also along the west side of this property.

1959

First Deed which excludes/excepts 17.5', 30' and 30' from conveyance

5073825

Statutory Warranty Deed

FILED FOR RECORD AT KING COUNTY
SEATTLE TITLE COMPANY
21 S. W. 4th AVE.
SEATTLE 4, WASHINGTON

WASHINGTON
TITLE INSURANCE
COMPANY
SEATTLE, WASHINGTON



Form 159

Statutory Warranty Deed

THE GRANTOR CRAWFORD WARREN, as his separate estate,

for and in consideration of Ten and no/100 Dollars

in hand paid, conveys and warrants to INTERLAKE RUD AND GUN CLUB, INC.

the following described real estate, situated in the County of King, State of Washington:

Beginning at the Northwest corner of Section 2, Township 25 North, Range 5, E. W. F., thence North on Section Line North 88°23'56" East 2694.92 feet to the true point of beginning; thence South 03°21'30" East 516.28 feet; thence South 88°23'56" West 787.87 feet; thence North 1°36'04" West 514 feet; thence North 88°23'56" East 773.45 feet to the true point of beginning, less 30 feet on the Northerly and Easterly borders and less 17 1/2 feet on the Westerly border thereof for road and utility purposes, King, County, State of Washington.



Dated this 25 day of Aug 1959

A. A. THOMPSON, KING COUNTY TREASURER

Crawford Warren (SEAL)

DEPUTY

STATE OF WASHINGTON, ss. County of King

On this day personally appeared before me Crawford Warren to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 25 day of Aug 1959

Notary Public in and for the State of Washington, residing at Kirkland

AUG 28 1959 8 30 Filed by WTI

Most recent vesting Deed North Parcel

Return Address: Landrich Holdings
c/o Peter Wong
924 - 12th Avenue E., Suite 201
Seattle, WA 98102

AUDITOR/RECORDER'S INDEXING FORM

Document Title(s):	1. Special Warranty Deed	9165622/10024706 107
Reference Number(s) of documents assigned or released:	N/A	
Grantor(s):	1. Peggy A. Lux, individually and as Personal Representative of the Estate of John Dennis Lux	
<input type="checkbox"/> Additional names on page	_____ of document.	
Grantee(s):	1. Landrich Holdings a Limited Liability Partnership	
<input type="checkbox"/> Additional names on page	_____ of document.	
Legal Description:	Portion of 3-25N-5, BWM	
(abbreviated)		
<input checked="" type="checkbox"/> Additional legal is on page	1 of document.	
Assessor's Property Tax Parcel/Account Number:	032505-9103	

5763110820

FILED FOR RECORD AT THE REQUEST OF TRANSNATION TITLE INSURANCE CO.

FILED FOR RECORD AT THE REQUEST OF
TRANSNATION TITLE INSURANCE CO.

R1031991 03/11/97 8934.00 166000.00

SPECIAL WARRANTY DEED

PEGGY A. LUX, individually and as Personal Representative of the estate of John Dennis Lux, deceased, Grantor, for valuable consideration, in hand paid, grants, bargains, sells, and conveys to LANDRICH HOLDINGS A LIMITED LIABILITY CORPORATION, Grantee, the following described real property located in King County, Washington: *Phd, Puster*

Beginning at the Northwest corner of Section 3, Township 2S North, Range 5 East W.M.; thence on section line North 88°23'56" East 2,694.92 feet to the true point of beginning; thence South 03°21'30" East 516.218 feet; thence South 88°23'56" West 787.87 feet; thence North 01°36'04" West 514 feet; thence North 88°23'56" East 773.43 feet to the true point of beginning;

EXCEPT the Northerly and Easterly 30 feet for road;

AND EXCEPT the Westerly 17.5 feet for road and utilities;

Situate in the County of King, State of Washington.

SUBJECT TO:

1. Easement for electric transmission and distribution line recorded under King County Recording No. 4286072;
2. Agreement recorded under King County Recording No. 9307020401; and
3. Rights of way for road or easement purposes over and across the North 30, East 30 and West 17.5 feet of the property.

John Dennis Lux died intestate on March 3, 1995, and Peggy A. Lux is the duly appointed, qualified and acting Personal Representative of the estate under King County Superior Court Probate Cause No. 95-4-01497-8 SEA. Pursuant to an Order of Confirmation of Sale of Real Property entered on March 10, 1997, the Personal Representative is authorized to transfer the real property described above to the Grantee herein.

The Grantor, for herself and for her successors in interest, expressly limits the covenants of this Deed to those expressed herein and excludes all covenants arising by

9703110820

Most recent vesting Deed South Parcel



20110324000973

DODDSON QCD 65.00
PAGE-001 OF 004
03/24/2011 14:41
KING COUNTY, WA

Return Address:

Robert A. Dootson
Keybank Building Suite 810
10665 NE Fourth Street
Bellevue WA 98004

E2483698

03/24/2011 14:41
KING COUNTY, WA
TAX \$10.00
SALE \$0.00 PAGE-001 OF 001

Please print or type information WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Document Title(s) (or transactions contained therein): (all areas applicable to your document must be filled in)

1. QUIT CLAIM DEED 2.
3. 4.

Reference Number(s) of Documents assigned or released:

Additional reference #'s on page ____ of document

Grantor(s) Exactly as name(s) appear on document

1. CHERYL E. HART
2.

Additional names on page ____ of document.

Grantee(s) Exactly as name(s) appear on document

1. THOMAS W. BACKER AND CHERYL E. HART, TRUSTEES
2. OF THE BACKER-HART LIVING TRUST DATED MARCH 7, 2011

Additional names on page ____ of document.

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

ATTACHED

Additional legal is on page ____ of document.

Assessor's Property Tax Parcel/Account Number assigned

Assessor Tax # not yet

032565-9071-08

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

"I am signing below and paying an additional \$50 recording fee (as provided in RCW 36.18.010 and referred to as an emergency nonstandard document), because this document does not meet margin and formatting requirements. Furthermore, I hereby understand that the recording process may cover up or otherwise obscure some part of the text of the original document as a result of this request."

Signature of Requesting Party

Note to submitter: Do not sign above nor pay additional \$50 fee if the document meets margin/formatting requirements

AFTER RECORDING MAIL TO:
Stephen A. Sindoni
71-650 Sahara Road, Suite 4
Rancho Mirage, CA 92270

Filed for Record at Request of
The Law Offices of Robert A. Dootson, P.S.
Bellevue, WA 98004

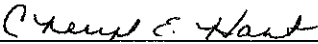
QUIT CLAIM DEED

THE GRANTOR, CHERYL E. HART, a married woman as her separate estate, pursuant to WAC 458-61A-211(2)(g) hereby conveys and quit claims all of her right title and interest in the following described real property with no change in beneficial ownership to **THOMAS W. BECKER and CHERYL E. HART, TRUSTEES OF THE BECKER-HART LIVING TRUST DATED MARCH 7, 2011**, a revocable living trust duly formed under the laws of the State of California; said real property being situated in the County of King, State of Washington and described as follows:

Beginning at the Northwest corner Section 3, of Township 25 North, Range 5 East, W.M. in King County, Washington; thence East on Section line North 88 Degrees 23' 56" East 2694.62 feet; thence South 3 Degrees 21'00" East 516.28 feet to the true point of beginning; thence South 3 Degrees 21'30" East 243.14 feet; thence South 88 Degrees 23'56" West 795.62 feet; thence North 1 Degree 36'04" West 242 feet; thence North 88 Degrees 23'56" East 787.87 feet to the true point of beginning, EXCEPT the East 10 feet and the West 17-1/2 feet for road.

Assessor's Parcel Number: 032505-9071-08

DATED THIS 16th day of March, 2011.

BY: 
Cheryl E. Hart

NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA)
) SS.
COUNTY OF RIVERSIDE)

On March 16, 2011, before me, STEPHEN A. SINDONI, a Notary Public, personally appeared **CHERYL E. HART**, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacities, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Stephen A. Sindoni

(SEAL)

**WASHINGTON STATE RECORDER'S COVER SHEET
PAGE TWO**

LEGAL DESCRIPTION

Beginning at the Northwest corner Section 3, of Township 25 North, Range 5 East, W.M. in King County, Washington; thence East on Section line North 88 Degrees 23' 56" East 2694.62 feet; thence South 3 Degrees 21'00" East 516.28 feet to the true point of beginning; thence South 3 Degrees 21'30" East 243.14 feet; thence South 88 Degrees 23'56" West 795.62 feet; thence North 1 Degree 36'04" West 242 feet; thence North 88 Degrees 23'56" East 787.87 feet to the true point of beginning, EXCEPT the East 10 feet and the West 17-1/2 feet for road.

Assessor's Property Tax Parcel: 032505-9071-08

