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REQUEST OF:

ALTERATION TO LAKE CUSHMAN, DIVISION 17
RESOLUTION 80-95

COMMUNITY DEVELOPMENT DIRECTOR

On February 19, 1975 the Plat of Lake Cushman, Division 17, located in Sections 9 & 16, Township 22 North, Range 4 West, W.M., was recorded in Volume 10, Pages 139 through 145 records of Mason County, Washington.

WHEREAS, The Dedication included in Lake Cushman, Division 17, is as follows:

Know all men by these presents that the undersigned, Lake Cushman Co. lessee of the land hereby platted, hereby declares this plat and dedicates to the Lake Cushman Maintenance Co., all streets, avenues, places, easements and greenbelts as shown on the plat and the non-exclusive use thereof for the residents and occupants therein, their guest and service to said residents not inconsistent with use in common with other residents and lessees.

Also, the Lake Cushman Maintenance Co. shall have the right to make all necessary slopes for cuts and fills upon lots, blocks and tracts shown on this plat in the reasonable grading of all the streets, avenues, places, e.t.c. shown hereon. Also, the right to drain all streets over and across any lot or common area where water might take a natural course after the street or streets are finally improved. Also, all claims for damages against any governmental authority are waived which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of said roads in witness whereof we have set our hands and seals this 19th day of February, 1975.

WHEREAS, The final plat contains SPECIAL COVENANTS, the first article of which states:

All lots shall be subject to an easement five feet in width, and parallel and adjacent to all lot lines, except that this easement shall be ten feet in width along lot lines where lots are not contiguous, for purposes of installation and maintenance of all utilities and drainage and all lots shall also be subject to the right of overhead easements for electric and telephone wires over portions of lots where roadway curvature causes the same to occur.

WHEREAS, RCW 58.17.215 - Alteration of subdivision - Procedure, provides a method by which a person interested in the alteration of any subdivision or the altering of any portion thereof may proceed;

WHEREAS, Mr. & Mrs. Russell & Patricia Baker, owner of Lots 2 and 3, in the Plat of Lake Cushman, Division 17, has made application with the Mason County Board of County Commissioners requesting an alteration to the easement running approximately northwest to southeast an average of 161 feet between said two lots, for the purpose of filing a Declaration of Parcel Combinations and placing a home across the existing property line;

WHEREAS, the application contains the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion thereof;

WHEREAS, the Lake Cushman Maintenance Co, Pacific Land Associates, Tacoma Public Utilities, PUD #3, and U.S. West

Communications have all relinquished their interest in the easement.

WHEREAS, the Mason County Board of County Commissioners did notify the effected landowners as required by R.C.W. 58.17.215;

WHEREAS, a public hearing was held on August 1, 1995, at 9:45 A.M., in the Commissioners Chambers;

WHEREAS, after due consideration it appears to be in the best public interest to approve the request made by Russell & Patricia Baker;

NOW THEREFORE BE IT RESOLVED that the Board authorizes the alteration of the previously described 10' easement between lots 2 and 3, in the Plat of Lake Cushman, Division 17, with the understanding that there is no drainage in effect on these property lines and that the easements are being removed for the purpose of combining the two lots in order to place a home across the existing lot line.

PASSED IN REGULAR SESSION this 1st day of August, 1995.

APPROVED AS TO FORM

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Paul H. K.
CHIEF DPA
Prosecuting Attorney

William O. Keene
CHAIRMAN

absent
COMMISSIONER

ATTEST:

Diane L. Zorn
CLERK OF THE BOARD
for Rebecca S. Rogers

Mary Jo Brady
COMMISSIONER