

# KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926 CDS@CO.KITTITAS.WA.US Office (509) 962-7506 Fax (509) 962-7682

# SHORT PLAT APPLICATION

(To divide lot into 2-4 lots)

KITTITAS COUNTY ENCOURAGES THE USE OF PRE-APPLICATION MEETINGS. PLEASE CONTACT COMMUNITY DEVELOPMENT SERVICES TO SET UP A PRE-APPLICATION MEETING TO DISCUSS A PROPOSED PROJECT.

PLEASE TYPE OR PRINT CLEARLY IN INK. ATTACH ADDITIONAL SHEETS AS NECESSARY. PURSUANT TO KCC 15A.03.030, A COMPLETE APPLICATION IS DETERMINED WITHIN 28 DAYS OF RECEIPT OF THE APPLICATION SUBMITTAL PACKET AND FEE. THE FOLLOWING ITEMS MUST BE ATTACHED TO THE APPLICATION PACKET:

# REQUIRED ATTACHMENTS

Five large copies of short plat with all preliminary drawing requirements complete (reference KCC Title 16 Subdivision Code for plat drawing requirements) and one small 8.5"x11"copy.

Address list of all landowners within 500 feet of the subject parcel(s). If adjoining parcels are owned by the applicant, then the 500 foot area shall extend from the farthest parcel. If the parcel is within a subdivision with a Homeowners' or Road Association, then please include the mailing address of the association.

OPTIONAL ATTACHMENTS
(Optional at submittal, required at the time of final submittal)

Certificate of Title (Title Report)

Computer lot closures

APPLICATION FEES:

\$190 plus \$10 per lot for Public Works Department; \$380 plus \$75/hr. over 4 hrs. for Environmental Health Department; \$630 for Community Development Services Department (One check made payable to KCCDS) APR 3 0 2008

KIT ITAS COUNTY
CDS

SP-08-000aa

FOR STAFF USE ONLY

PAID

APPLICATION REGEIVED BY (CDS:STAEF SIGNATURE)

X (1 GUMQUC)

DATE: 4 30:08 P

RECEIPT#

APR ( 2008)

ORTHUREO.

CDS

NOTES:

	Name:	MDJ Development	
	Mailing Address:	P.O. Box 1117	
	City/State/ZIP:	Ellensburg, WA 98926	
	Day Time Phone:	925-6640	
	Email Address:		
2.		ess and day phone of authorized agent (if different from land of is indicated, then the authorized agent's signature is required tal.	wner of record):
	Agent Name:	Chris Cruse	
	Mailing Address:	P.O. Box 959	
	City/State/ZIP:	Ellensburg, WA 98926	
	Day Time Phone:	962-2242	
	Email Address:		
3.	Street address of pro	perty:	
	Address:	2410 Mt. Baldy Ln.	
	City/State/ZIP:	Ellensburg, WA 98926	
4.	Legal description of LOT 9, Turf Trail	• •	
5.	Tax parcel number(s	); Map No. 17-19-06094-0009	
6.	Property size: 4.39	Ares	(acres)
7.	location, water supply	scription: Please include the following information in your destruction, sewage disposal and all qualitative features of the proposal; otion (be specific, attach additional sheets as necessary):	
		ith individual septic tanks and group water systemealth's regulations.	n as per WA state

Are Forest Service roads/easements involved with accessing your development? Yes to (Circle) If yes, explain:

Name, mailing address and day phone of land owner(s) of record:

Landowner(s) signature(s) required on application form.

1.

8.

- What County maintained road(s) will the development be accessing from?
   Mt. Baldy Lane
- 10. Application is hereby made for permit(s) to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed and or completed work.

All correspondence and notices will be mailed to the Land Owner of Record and copies sent to the authorized agent.

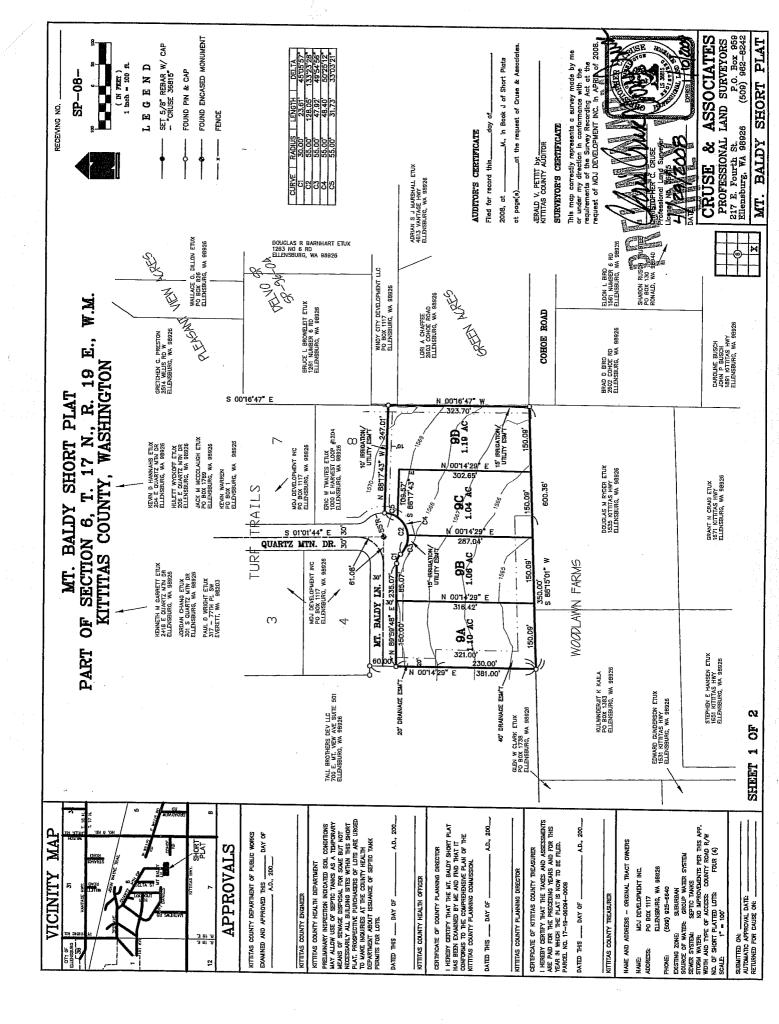
Signature of Authorized Agent:

(REQUIRED if indicated on application)

Signature of Land Owner of Record: (REQUIRED for application submittal)

Date:

Date:



# CHICAGO TITLE INSURANCE COMPANY

a corporation, herein called the Company,

## **GUARANTEES**

Policy No. 72030- 6961

CRUSE AND ASSOCIATES AND MDJ DEVELOPMENT, INC.

herein called the Assured, against actual loss not exceeding the liability amount stated above which the Assured shall sustain by reason of any incorrectness in the assurances set forth in Schedule A.

## LIABILITY EXCLUSIONS AND LIMITATIONS

- 1. No guarantee is given nor liability assumed with respect to the identity of any party named or referred to in Schedule A or with respect to the validity, legal effect or priority of any matter shown therein.
- 2. The Company's liability hereunder shall be limited to the amount of actual loss sustained by the Assured because of reliance upon the assurance herein set forth, but in no event shall the Company's liability exceed the liability amount set forth above.

Dated: April 18, 2008 at 8:00a.m.

CHICAGO TITLE INSURANCE COMPANY

Please note carefully the liability exclusions and limitations and the specific assurances afforded by this guarantee. If you wish additional liability, or assurances other than as contained herein, please contact the Company for further information as to the availability and cost.

#### SUBDIVISION GUARANTEE

Office File Number : 0106905

Guarantee Number : 48 0035 72030 6961

Dated

: April 18, 2008, at 8:00am

Liability Amount

: \$ 1,000.00

Premium

: \$ 200.00

Tax

: \$ 16.00

Your Reference

: MDJ DEVELOPMENT

Name of Assured: CRUSE AND ASSOCIATES AND MDJ DEVELOPMENT, INC.

The assurances referred to on the face page are:

That, according to those public records with, under the recording laws, impart constructive notice of matters relative to the following described real property:

Lot 9, TURF TRAILS, in the County of Kittitas, State of Washington, as per plat thereof recorded in Book 11 of Plats, pages 72 and 73, records of said County.

Title to said real property is vested in:

MDJ DEVELOPMENT, INC., A WASHINGTON CORPORATION

**END OF SCHEDULE A** 

## (SCHEDULE B)

File No. 0106905 Guarantee Number: 48 0035 72030 6961

Subject to the matters shown below under Exceptions, which Exceptions are not necessarily shown in the order of their priority.

#### **EXCEPTIONS:**

- 1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
- 2. Unpatented mining claims; reservations or exceptions in the United States Patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
- 3. Title to any property beyond the lines of the real property expressly described herein, or title to streets, roads, avenues, lanes, ways or waterways on which such real property abuts, or the right to maintain therein vaults, tunnels, ramps, or any other structure or improvement; or any rights or easements therein unless such property, rights or easements are expressly and specifically set forth in said description.
- 4. Any unpaid assessments or charges, and liability to further assessments or charges, for which a lien may have arisen (or may arise); as imposed by LCU, Inc. d/b/a Evergreen Valley Utilities, under instrument recorded under Kittitas County Auditor's File No. 200712050008.
- 5. Any unpaid assessments or charges, and liability to further assessments or charges, for which a lien may have arisen (or may arise); as imposed by East Side Improvement Co., Inc under instrument recorded under Kittitas County Auditor's File No. 200712050010.
- Assessment in the amount of \$1,500.00 for hook-up/connection fee to Domestic Water System as set forth in Domestic Water Agreement between Thomas J. Fenz and Turf Trails Water Company, including the terms and conditions contained therein, recorded December 5, 2007, under Kittitas County Auditor's File No. 200712050008.
- 7. Assessment in the amount of \$1,500.00 for hook-up/connection fee to Irrigation Water System as set forth in Irrigation Water and Storm Drainage Agreement between Thomas J. Fenz and East Side Improvement Co., Inc., including the terms and conditions contained therein, recorded December 5, 2007, under Kittitas County Auditor's File No. 200712050010.
- 8. Pendency of Yakima County Superior Court Cause No. 77-2-01484-5, State of Washington, Department of Ecology, Plaintiff, vs. James J. Acquavella, et al, Defendants; notice of which is given by Lis Pendens recorded on October 14, 1977, in Volume 90, page 589, under Kittitas County recording number 417302, and supplemental notice of Lis Pendens recorded June 4, 1980, in Volume 131, page 63, under Auditor's File No. 442263; being an action for the determination of the rights to divert, withdraw, or otherwise make use of the surface waters of the Yakima River Drainage Basin, in accordance with the provisions of Chapters 90.03 and 90.44 Revised Code of Washington. (Attorney for Plaintiff: Charles B. Roe, Jr., Senior Assistant Attorney General)

NOTE: The policy/policies to be issued include(s) as one of the printed exceptions to coverage: "Water rights, claims or title to water" as set forth as Paragraph J in the general exceptions which are printed on Schedule B herein.

The pending action involves such water rights and therefore, will not be set forth as a separate exception in said policy/policies.

File No. 0106905 Guarantee Number: 48 0035 72030 6961

 Any question arising as to location of fence lines lying inside and outside the perimeter boundaries of said premises as disclosed by survey recorded January 22, 1992 in Book 18 of Surveys, Page 107, under Auditor's File No. 546115.

- Non-exclusive Ingress, Egress and Utilities Agreement (with Road Maintenance Provisions) by and between Joe Delvo and Jan Delvo, husband and wife, as Seller and Joel V. Delvo and Katherine I. Delvo, husband and wife, as Purchaser, dated June 27, 1996, recorded June 28, 1996, under Auditor's File No. 199606280033.
- 11. Matters disclosed on that certain survey recorded December 15, 2003 in Book 29 of Surveys Pages 177 and 178, under Auditor's File No. 200312150026, including but not limited to the following:
  - a) 9.0-foot gap and 1.8-foot gap along the East boundary of said Parcel C;
  - b) Location of Easement "Q", sixty feet in width
- 12. Maintenance provisions for an appurtenant easement, and the terms and conditions thereof, affecting a portion of said premises and for the purposes hereinafter stated, as granted by instrument recorded on April 22, 2005, under Kittitas County Auditor's File No. 200504220014.
- 13. Declaration of Covenant and Easement for Domestic Well, recorded August 23, 2007, under Kittitas County Auditor's File No. 200708230007, but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.
- 14. Easement, and the terms and conditions thereof, affecting a portion of said premises and for the purposes hereinafter stated, as granted by instrument recorded on October 25, 2007, under Kittitas County Auditor's File No. 200710250018.

In favor of : Puget Sound Energy, Inc., a Washington corporation

For : A nonexclusive perpetual easement for purposes of transmission, distribution and

sale of electricity

Affects : Said premises

- 15. Matters disclosed on the Plat recorded December 5, 2007, Book 11, Pages 72 and 73, under Auditor's File No. 200712050007, including but not limited to the following:
  - a) Dedication thereon which states: "Know all men by these present Thomas J. Fenz, a married man as his separate estate, the undersigned owner of the herein described real property, does hereby declare, subdivide and plat as herein described and dedicate to the public forever all roads and ways shown hereon with the right to make all necessary slopes for cuts and fills, and the right to continue to drain said roads and ways over and across any lot or lots, where water might take a natural course, in the original reasonable grading of the roads and ways shown hereon.

Following original reasonable grading of roads and ways hereon no drainage water on any lot or lots shall be diverted or blocked form their natural course so as to discharge upon any public road rights-of-way, or to hamper proper road drainage. Any enclosing of drainage waters in culverts or drains or rerouting thereof across any lot as may be undertaken by or for the owner of any lot, shall be done by and at the expense of such owner."

- b) 15' irrigation/utility easement
- c) 10' irrigation/utility easement as affects Lots 3, 4 and 9
- d) 100' radius wellhead setback as affects Lots 2 and 3
- e) 20' drainage easement as affects Lot 9

Guarantee Number: 48 0035 72030 6961 File No. 0106905

(SPECIAL EXCEPTION NO. 15 CONTINUED)

- f) 40' drainage easement as affects Lot 9
- g) 20' x 45' irrigation and utility easement as affects Lot 3
- h) Note 2, which states: "A public utility easement 10 feet in width is reserved along all lot lines, the 10 foot easement shall abut the exterior plat boundary and shall be divided 5 feet on each side of interior lot lines. Said easement shall also be used for irrigation."
- Note 11, which states: "An easement is hereby reserved for and conveyed to Puget Sound Energy, Inc., and their respective successors and assigns under and upon the private street(s), if any; and the exterior ten (10) feet of all lots, tracts and spaces within the Plat lying parallel with and adjoining all street(s); in which to construct, operate, maintain, repair, replace and enlarge underground pipes, conduits, cables, and wires with all necessary or convenient underground or groundmounted appurtenances thereto for the purpose of serving this subdivision and other property with electric, together with the right to enter upon the streets, lots, tracts and spaces at all times for the purposes herein stated."
- i) Notes contained thereon
- Domestic Water Agreement for Turf Trails, and the terms and conditions thereof, executed by and 16. between the parties herein named:

Thomas J. Fenz, a married man as his separate property and Between

Turf Trails Water Company, a Washington corporation

Dated August 8, 2007 Recorded December 5, 2007 200712050008 Auditor's File No.

- Declaration of Covenants, Conditions, Restrictions and Easements for Turf Trails, recorded 17. December 5, 2007, under Kittitas County Auditor's File No. 200712050009, but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.
- Irrigation Water and Storm Drainage Agreement for Turf Trails, and the terms and conditions 18. thereof, executed by and between the parties herein named:

Thomas J. Fenz, as his separate property and East Side Between

Improvement Co., Inc., a Washington corporation

Dated August 8, 2007 December 5, 2007 Recorded 200712050010 Auditor's File No.

DEED OF TRUST, and the terms and conditions thereof: 19.

: MDJ Development, Inc., a Washington corporation Grantor Trustee

: Lathrop, Winbauer, Harrel, Slothower & Denison, LLP

Beneficiary : Lathrop Development Co., Inc. : \$2,811,626.82, plus interest Amount

: December 12, 2007 Dated Recorded : December 12, 2007 Auditor's File No. : 200712120051

Affects : Said premises and other land

## (SCHEDULE B)

File No. 0106905

Guarantee Number: 48 0035 72030 6961

#### Notes:

 Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

NOTE: In the event any contracts, liens, mortgages, judgments, etc. which may be set forth herein are not paid off and released in full, prior to or immediately following the recording of the forthcoming plat (short plat), this Company will require any parties holding the beneficial interest in any such matters to join in on the platting and dedication provisions of the said plat (short plat) to guarantee the insurability of any lots or parcels created thereon. We are unwilling to assume the risk involved created by the possibility that any matters dedicated to the public, or the plat (short plat) in its entirety, could be rendered void by a foreclosure action of any such underlying matter if said beneficial party has not joined in on the plat (short plat).

#### **END OF GUARANTEE**

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