

1 FILE NO. 140 PROPOSAL NO. 2003-115s

2 Sponsored by: Pierce County Council

3 Requested by: Pierce County Council

4

5 ORDINANCE NO. 2003-115s

6

7 AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING A STANDARD RIGHT
8 OF ENTRY AGREEMENT FORM TO BE USED BY THE PLANNING
9 AND LAND SERVICES DEPARTMENT, CURRENT PLANNING
10 SECTION.

11

12 WHEREAS, The Planning and Land Services Department (PALS),
13 Current Planning Section, requires applicants for certain
14 development permits and approvals to enter into a Right of Entry
15 Agreement with Pierce County; and

16

17 WHEREAS, The Pierce County Council (Council) recognizes the
18 interest of PALS in obtaining access to certain properties for
19 purposes of inspection, construction and monitoring in conjunction
20 with development permits and approvals; and

21

22 WHEREAS, The Council further recognizes the interest of
23 applicants in the peaceful enjoyment of property; and

24

25 WHEREAS, In an attempt to balance the County's interest in
26 efficiently administering land development and permitting with
27 applicants' and owners' property rights, the Council deems it to be

1 in the best interests of the citizens of Pierce County to adopt a
2 standard Right of Entry Agreement to be used by the Current
3 Planning Section of PALS whenever such agreement is requested or
4 required in conjunction with a development permit or approval; NOW,
5 THEREFORE,

6

7 BE IT ORDAINED by the Pierce County Council:

8

9 Section 1. The Right of Entry Agreement as shown on Exhibit
10 "A", which is attached hereto and incorporated herein by reference,
11 is hereby adopted as the standard form to be used by the Current
12 Planning Division of PALS in all cases where such agreement is
13 requested or required in conjunction with a development permit or
14 approval.

15

16 PASSED this 2nd day of December, 2003.

17

18 ATTEST:

PIERCE COUNTY COUNCIL
PIERCE COUNTY, Washington

19 Patricia L. Face for
20 Denise D. Johnson
21 Clerk of the Council

Harold Moss
22 Councilmember Harold Moss
23 Council Chair

24 Approved As To Form Only:

PIERCE COUNTY EXECUTIVE

25 Roger J. Mierner
26 Deputy Prosecuting Attorney

Joan Lidenburg
27 Approved Vetoed
this 8 day of Dec,
2003.

28 Date of Publication of
29 Notice of Public Hearing: November 12, 2003
30 Effective Date of Ordinance: December 18, 2003

2
3 **RIGHT OF ENTRY AGREEMENT TO ALLOW**
4 **COUNTY REPRESENTATIVES TO ENTER SITE TO PERFORM**
5 **INSPECTIONS, MONITORING AND CORRECTIVE ACTIONS IN**
6 **ASSOCIATION WITH PERMIT NUMBER(S)**

7 **Grantor and Grantee:** For purposes of this Agreement and for indexing by the Pierce County
8 Auditor as required by RCW Ch. 65.04, the parties to this agreement are _____,
9 **Grantor(s)**, and Pierce County, **Grantee**.

10 **Legal Description of Property:** (Note: include abbreviated legal description if complete legal
11 will not fit here and reference to where complete legal can be found.)
12
13

14 **Assessor Parcel No(s):** _____

15 **A. Recitals.**

- 16
17 1. Grantor is the owner of certain real property in Pierce County, Washington, described
18 above and referred to in this agreement as "the subject property."
19 2. Grantor is applying for (a) _____ permit(s)/
20 approval(s) associated with the development of the subject property.
21 3. In conjunction with the Grantor's proposed land use application referenced in Section
22 A.2. above, the Grantor agrees to allow Pierce County personnel and its representatives
23 access to the subject property for purposes of inspection during the pendency of the
24 described permit(s)/approval(s) associated with the development of the subject property.

25 **B. Access.**

- 26 1. Grantor hereby grants to Pierce County personnel and its representatives access to the
27 subject property for purposes of inspection during the pendency of the above-described
permit(s)/approval(s), including conditions of permit approval.

2. Grantor further grants to Pierce County personnel and its representatives access to the subject property for the purposes of completion of work guaranteed for site stabilization, completion of conditions of approval and/or mitigation measures, performing reclamation of the site, or correcting defective work or facilities.
3. This right of entry shall commence on the date of signing of this agreement and shall expire when the County deems that all necessary conditions of approval, permit requirements, ordinance requirements, or mitigation measures have been met and the proposal referenced in A.2. above has been completed (including work occurring pursuant to a financial guarantee).
4. Nothing in this agreement grants to Pierce County the right to enter into any residential structure without the express consent of the property owner or resident.
5. This agreement is intended to protect the value and desirability of the subject property and to benefit all citizens of Pierce County. It shall run with the land and during its pendency be binding on all parties having or acquiring any right, title, interest, or any part thereof, of the subject property, including the grantor, heirs, successors and assigns. This agreement shall inure to the benefit of each present or future successor in interest of the subject property or any part thereof, or interest therein, and to the benefit of the citizens of Pierce County.

DATED this _____ day of _____, 20_____.

_____ Signature	_____ Signature	_____ Signature
_____ Address	_____ Address	_____ Address
_____ City, State, Zip	_____ City, State, Zip	_____ City, State, Zip

1 STATE OF WASHINGTON)
2 County of Pierce)

3
4 I certify that I know or have satisfactory evidence that _____ is/arc
5 the person(s) who appeared before me, and that said person(s) acknowledged that he/she/they
6 signed this instrument and acknowledged it to be his/her/their free and voluntary act for the uses
7 and purposes mentioned in the instrument.

8
9 DATED this _____ day of _____, 20____.

10 _____
11 Signature

12 _____
13 Print Name

14 _____
15 Title

16 _____
17 My Appointment Expires