

# CITY OF MAPLE VALLEY, WASHINGTON

## RESOLUTION NO. R-12-864

### **A RESOLUTION OF THE CITY OF MAPLE VALLEY, WASHINGTON, RATIFYING A SETTLEMENT AGREEMENT BETWEEN KNOTTY TREE SERVICE, VALLEY GREEN DIVISION III HOMEOWNER'S ASSOCIATION AND THE CITY OF MAPLE VALLEY.**

WHEREAS, the City Council adopted Ordinance O-00-115 on February 14, 2000, approving the final plat of Valley Green Division III ("Plat"); and

WHEREAS, the Plat contains dedications to the City and to the public for easements and right of way; and

WHEREAS, on or about January 31, 2012, the City became aware that 77 street trees were unlawfully cut down within the Plat and said trees were located within publicly dedicated right of way; and

WHEREAS, said trees were cut down at the direction of the Valley Green Division III Homeowners Association ("HOA"), a duly registered Washington nonprofit entity by Knotty Tree Service, a Washington Partnership; and

WHEREAS, the City Council authorized the City Attorney to pursue all available legal remedies against Green Valley Division III Homeowner's Association for the unlawful cutting of said trees in Resolution R-12-849; and

WHEREAS, the City issued a citation to Knotty Tree Service for violation of MVMC 12.13.030 for cutting said trees without a right of way permit; and

WHEREAS, the City entered into a negotiated settlement of all disputes with Knotty Tree Service and the HOA which settlement agreement to replace the 77 street trees unlawfully removed; and

WHEREAS, the City Council is required by the terms of the negotiated settlement to ratify the settlement;

### **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, AS FOLLOWS:**

Section 1. The City Council hereby ratifies the "Settlement Agreement Between Knotty Tree Service And Valley Green Division III Homeowners Association And The City Of Maple Valley." A copy of said Agreement has been filed with the City Clerk and identified with Clerk's Receiving No. \_\_\_\_\_.

APPROVED BY THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY,  
WASHINGTON, AT A REGULAR MEETING THEREOF THIS 9<sup>TH</sup> DAY OF APRIL,  
2012.

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William T. Allison, Mayor

ATTEST:

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Shaunna Lee-Rice, City Clerk

APPROVED AS TO FORM;

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Christy A. Todd, City Attorney