

CITY OF MAPLE VALLEY, WASHINGTON

RESOLUTION NO. R-12-849

A RESOLUTION OF THE CITY OF MAPLE VALLEY, WASHINGTON, AUTHORIZING THE CITY ATTORNEY TO PURSUE ALL AVAILABLE LEGAL REMEDIES AGAINST VALLEY GREEN DIVISION III HOMEOWNERS ASSOCIATION, AND, IF NECESSARY, ANY OF ITS OFFICERS, DIRECTORS, EMPLOYEES, AGENTS, AND CONTRACTORS, FOR THE UNLAWFUL REMOVAL OF STREET TREES WITHIN THE VALLEY GREEN DIVISION III PLAT.

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 approximately 79 street trees were unlawfully cut down within the Plat and, based on information and belief, said trees were located within an easement granted to the City and utility providers; and

WHEREAS, based on information and belief said trees were cut down at the direction of the Valley Green Division III Homeowners Association (“HOA”), a duly registered Washington nonprofit entity; and

WHEREAS, the City Council believes it is in the best interests of the City and the citizens of Maple Valley to protect and preserve trees and desires to authorize the City Attorney to pursue legal remedies that may be available against the HOA for the unlawful removal of trees within the Plat or to pursue any other legal actions deemed necessary or expedient to address and to remedy the unlawful removal of trees within the Plat;

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

Section 1. The City Attorney is hereby authorized to file suit against the Green Valley Division III Homeowners Association, and against any of its individual Officers, Directors, employees, agents and contractors, as necessary, and to seek damages, penalties, costs and attorney fees as available by law and to pursue any other legal remedies deemed necessary or expedient to address the unlawful removal of trees within the Plat, including any action under the Maple Valley Municipal Code.

PASSED BY THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 6TH DAY OF FEBRUARY, 2012.

William T. Allison, Mayor

ATTEST:

Shaunna Lee-Rice, City Clerk

APPROVED AS TO FORM;

Christy A. Todd, City Attorney