

of ORDINANCE No. 112649

of COUNCIL BILL No. 105291

Line 9

AN ORDINANCE relating to Land Use and Zoning; amending Plat 52W, Page 132 of the Official Land Use Map to rezone property located at 2222 South Grand Street from Lowrise 2 (L-2) to General Commercial (CG) Zone. (Petition of Belshaw Brothers, Inc.; C.F. 294155.)

to  
7th Agreement  
enclosed

The City of

Honorable President: Land  
Your Committee on

to which was referred the within Council report that we have considered the

the same do parties of record DCU.

Vote 6-0

COMPTROLLER FILE No.

|  |                                    |
|--|------------------------------------|
| Introduced: <u>12-23-85</u>            | By: <u>Street</u>                  |
| Referred: <u>12-23-85</u>              | To: <u>Land Use</u>                |
| Referred:                              | To:                                |
| Referred:                              | To:                                |
| Reported: <u>DEC 30 1985</u>           | Second Reading: <u>DEC 30 1985</u> |
| Third Reading: <u>DEC 30 1985</u>      | Signed: <u>DEC 30 1985</u>         |
| Presented to Mayor: <u>DEC 30 1985</u> | Approved: <u>JAN 8 1986</u>        |
| Returned to City: <u>JAN 8 1986</u>    | Published:                         |
| Vetoed by Mayor:                       | Veto Published:                    |
| Passed over Veto:                      | Veto Sustained: <u>NO</u>          |

Law Department

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

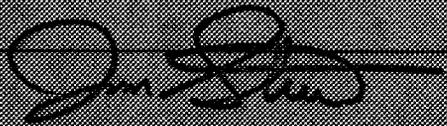
Date Reported and Adopted  
12/24/85  
(140)

President: Hand Use  
Committee on \_\_\_\_\_

As referred the within Council Bill No. 605291

We have considered the same and respectfully recommend that the same:  
Same Do Pass, please notify  
as of record, Hearing Examiner and  
44.

6-0



Committee Chair

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ORDINANCE 112649

AN ORDINANCE relating to Land Use and Zoning; amending Plat 52W, Page 132 of the Official Land Use Map to rezone property located at 2222 South Grand Street from Lowrise 2 (L-2) to General Commercial (CG) Zone. (Petition of Belshaw Brothers, Inc.; C.F. 294155.)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Plat 52W, Page 132 of the Official Land Use Map adopted by Ordinance 110669 is amended to rezone from Lowrise 2 (L-2) to General Commercial (CG) Zone the following described real property:

Beginning 299.9 feet South of Intersection of 23rd Avenue South and Massachusetts Street; Thence West 135.04 feet; Thence Southerly 185.06 feet to the North Line of Grand Street; Thence Easterly along Grand Street 109.92 feet; Thence on a curve to the left a Radius of 15 feet a distance of 18.59 feet; Thence Northeasterly 35.27 feet to a point on West Line of 23rd Avenue South 44.09 feet North of North Line of Grand Street; Thence Northerly along West Line of 23rd Avenue South to point of Beginning; All in Section 9, Township 24 North, Range 4 East, W.M., in King County, Washington,

as shown on "Exhibit A" and the City Clerk is directed to place a copy of said "Exhibit A" in a volume entitled "Zoning Map Amendments," all as contemplated in C.F. 294155.

Section 2. That the Property Use and Development Agreement which was submitted to the City by the owners of the property described in Section 1 hereof, recorded in the records of the Director of Records and Elections of King County and filed in C.F. 294155 by which said owners agree to certain restrictions upon the property to ameliorate the adverse impact of uses and development otherwise permitted in the General Commercial (CG) Zone upon property in the vicinity is hereby accepted. The City Clerk is hereby authorized and directed to deliver copies of the same to the Director of Construction and Land Use and the Community Development Director.

(To be used for all Ordinances except Emergency.)

Section 3.... This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 30th day of December, 1985, and signed by me in open session in authentication of its passage, this 30th day of December, 1985. *Mumma Rice*  
President of the City Council.

Approved by me this 8th day of January, 1986. *Quin Ryan*  
Mayor.

Filed by me this 8th day of January, 1986.

Attest: *Craig Lopez*  
City Comptroller and City Clerk.

(SEAL)

Published .....

By *Theresa Dunbar*  
Deputy Clerk.

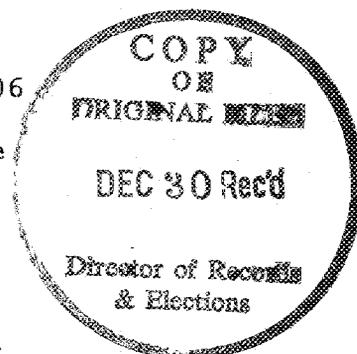
PROPERTY USE AND DEVELOPMENT AGREEMENT

THIS INSTRUMENT, executed this date in favor of The City of Seattle, a municipal corporation (herein called "City"), by the undersigned owners of the within described property (herein called "Owners"):

W I T N E S S E T H:

WHEREAS, Owners are persons owning a fee simple and/or having a substantial beneficial interest in the following described real property (herein called the "Property"):

Beginning 299.9 feet South of Intersection of 23rd Avenue South and Massachusetts Street; Thence West 135.04 feet; Thence Southerly 185.06 feet to the North Line of Grand Street; Thence Easterly along Grand Street 109.92 feet; Thence on a curve to the left a Radius of 15 feet a distance of 18.59 feet; Thence Northeasterly 35.27 feet to a point on West Line of 23rd Avenue South 44.09 feet North of North Line of Grand Street; Thence Northerly along West Line of 23rd Avenue South to point of Beginning; All in Section 9, Township 24 North, Range 4 East, W.M., in King County, Washington, and,



8512300728

WHEREAS, a petition (C.F. 294155) was filed with the City to rezone Property from Lowrise 2 (L-2) to General Commercial (CG) Zone pursuant to the provisions of the Land Use Code.

The Hearing Examiner recommended approval of the petition subject to certain conditions relating to noise, traffic and landscaping of the property. The Land Use Committee recommended to the City Council that the Property be rezoned to the General Commercial (CG) Zone subject to the execution and recording of an agreement with the City pertaining to the use and development of the Property, imposing traffic, landscaping and construction noise limitations in order to ameliorate the adverse impact of unrestricted use and development of the property in a CG Zone;

NOW, THEREFORE, Owners hereby covenant, bargain and agree on behalf of themselves and their heirs, successors and assigns, that if the Property is rezoned to the CG Zone;

FILED for Record at Request of  
CITY OF SEATTLE  
912 MUNICIPAL BUILDING  
SEATTLE, WASHINGTON 98104

COPY

Section 1. Development of the Property shall be accomplished in accordance with the following limitations with respect to traffic, landscaping and construction noise:

TRAFFIC: The existing truck loading area be re-located from 22nd Avenue South to South Grand Street, and the truck loading area shall be approved by Traffic Engineering in the Seattle Engineering Department.

LANDSCAPING: A detailed landscape plan shall be submitted at application for the Master Use Permit for the manufacturing and warehouse structure. Landscaping shall be provided per approved plan prior to final occupancy of the building. Maintenance of the landscaping shall be the responsibility of the Owner(s).

CONSTRUCTION NOISE: Loud equipment, including but not limited to pavement breakers, pile drivers, jack hammers, sandblasting tools, crawlers, tractors, compactors, drills, graders, compressors and other similar equipment is strictly limited to normal working hours (7:30 a.m. to 6:00 p.m.) on weekdays.

Section 2. This Agreement shall be recorded in the records of King County and the covenants hereof shall be deemed to attach to and run with the Property and shall apply to after-acquired title of the Owners of the Property.

Section 3. This Agreement may be amended or modified by agreement between the Owners and the City; provided such amended agreement shall be approved by the legislative authority of the City by ordinance. Nothing in this Agreement shall prevent the City Council from making such further amendment to the Zoning

Ordinance or Land Use Code as it may deem necessary in the public interest. Nothing in this Agreement is intended to authorize any use or dimension not otherwise permitted in a CG Zone.

Section 4. This Agreement is made for the benefit of the City and for the benefit of owners of the property within 300 feet of the Property, and either the City or any such property owner may institute and prosecute any proceeding at law or in equity to enforce this Agreement.

Section 5. It is further expressly agreed that in the event or condition or restriction hereinabove contained or any portion thereof is invalid or void, such invalidity or voidness shall in no way affect any other covenant, condition or restriction hereinabove contained.

DATED this 24<sup>TH</sup> day of DECEMBER, 1985.

OWNERS:

BELSHAW BROTHERS, INC  
By- Thomas E. Belshaw  
President

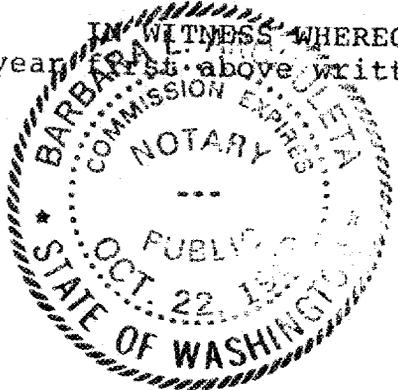
By Louis Agathos  
EXEC VICE President

By AJ Brown  
Secretary v P M Cg

STATE OF Washington )  
COUNTY OF King ) SS.

On this 30<sup>th</sup> day of Dec., 1985, before me personally appeared Thomas E. Belshaw, Louis Agathos & AJ Brown to me known to be the President, Exec VP & VP Mfg. of BELSHAW BROTHERS, INC., the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF I have hereunto set my hand the day and year first above written.



Barbara L. Archuleta  
NOTARY PUBLIC in and for the  
State of Wash., residing  
at Seattle  
My commission expires 10/22/89.

RECEIVED THIS DAY

JAN 14 4 21 PM '06  
BY THE DIVISION OF  
RECORDS & ELECTIONS  
KING COUNTY

86/01/14  
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CASHSL

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ORDINANCE 112649

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AN ORDINANCE relating to Land Use and Zoning; amending Plat 52W, Page 132 of the Official Land Use Map to rezone property located at 2222 South Grand Street from Lowrise 2 (L-2) to General Commercial (CG) Zone. (Petition of Belshaw Brothers, Inc.; C.F. 294155.)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Plat 52W, Page 132 of the Official Land Use Map adopted by Ordinance 110669 is amended to rezone from Lowrise 2 (L-2) to General Commercial (CG) Zone the following described real property:

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as shown on "Exhibit A" and the City Clerk is directed to place a copy of said "Exhibit A" in a volume entitled "Zoning Map Amendments," all as contemplated in C.F. 294155.

Section 2. That the Property Use and Development Agreement which was submitted to the City by the owners of the property described in Section 1 hereof, recorded in the records of the Director of Records and Elections of King County and filed in C.F. 294155 by which said owners agree to certain restrictions upon the property to ameliorate the adverse impact of uses and development otherwise permitted in the General Commercial (CG) Zone upon property in the vicinity is hereby accepted. The City Clerk is hereby authorized and directed to deliver copies of the same to the Director of Construction and Land Use and the Community Development Director.

8601141207

(To be used for all Ordinances except Emergency.)

Return to:  
City Clerk  
600 5th Ave.  
Room 101  
Seattle, Wa. 98101

STATE OF WASHINGTON )  
COUNTY OF KING ) SS  
CITY OF SEATTLE )

I, TIM HILL, Comptroller and City Clerk of the City of Seattle, do hereby certify that the within and foregoing is a true and correct copy of the original instrument as the same appears on file, and of record in this department.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of The City of Seattle, this

Craig Soper  
Acting Comptroller and City Clerk

By: Theresa Dunbar  
Deputy Clerk

8601141207

Section 3.... This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 30<sup>th</sup> day of December, 1985,  
and signed by me in open session in authentication of its passage, this 30<sup>th</sup> day of  
December, 1985. *Maurice Rice*  
President of the City Council.

Approved by me this 8<sup>th</sup> day of January, 1986.  
*Quinn Royce*  
Mayor.

Filed by me this 8<sup>th</sup> day of January, 1986.

Attest: *Craig Soper*  
City Comptroller and City Clerk.

(SEAL)

Published \_\_\_\_\_ By: *Theresa Dunbar*  
Deputy Clerk.

# CITY COUNCIL TRANSMITTAL

C. F. #

294155

TO:

James Fearn

Date Sent:

4/2/15

Reply Requested By:

for Jan 4/15  
mccomb

FROM:

Jim Steub

Copy from CG

# ACTION required

|  |     |  |
|--|-----|--|
|  |     | Review and Return File With Your Answer to Sender  |
|  |     | Review and Answer Petitioner, Return File and Copy of Answer to Sender                         |
|  |     | Review and Make Recommendations, Return File and Recommendations to Sender<br>( ) In Duplicate |
|  | XXX | Prepare Legislation and Return File to Sender  |

Additional Information:

Please prepare consistent with  
Heard's comments funding instructions

Kevin Campbell  
Signature

TAPE 1557 TRACK START 2 TIME START 9:09  
TRACK FINISH 2 TIME FINISH 9:10

**LAND USE COMMITTEE**  
Tuesday, December 23, 1985  
9:00 a.m.

Members: Jim Street, Chair  
Paul Kraabel, Vice Chair  
Virginia Galle  
Norm Rice, (NCA Policies only)  
George Benson, Alternate

Staff: Frank Kirk, Legis. Asst.  
Karen Campbell, Admin. Asst.  
Telephone: 625-2438

Present: Street

**RECOMMENDED  
ACTION**

1. C.B. 105291 Relating to Land Use and Zoning; amending Plat 52W, page 132 of the Official Land Use Map to rezone property located at 2222 South Grand Street from Low-Rise 2 (L-2) to General Commercial (CG). (Petition of Belshaw Brothers, Inc.; C.F. 294155)
- DO PASS  
1-0

JS:gm

C-941-X

# Affidavit of Publication

SEATTLE  
KING COUNTY  
SUPERIOR COURT

## STATE OF WASHINGTON KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a .....

Ordinance No. 112649

was published on January 10, 1986

*S. Blair*

Subscribed and sworn to before me on  
January 10, 1986

*Yvonne Summers*  
Notary Public for the State of Washington,  
residing in Seattle.

**City**

**ORDINANCE**  
AN ORDINANCE relating to Land Use and Zoning, amending Plat 52W, Page 132 of the Official Land Use Map to rezone property located at 2222 South Grand Street from Lowrise 2 (L-2) to General Commercial (CG) Zone. (Petition of Belshaw Brothers, Inc., C. F. 294155.)

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as shown on "Exhibit A" and the City Clerk is directed to place a copy of said "Exhibit A" in a volume entitled "Zoning Map Amendments," all as contemplated by C. F. 294155.

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Passed by the City Council the 30th day of December, 1985, and signed by me in open session in authentication of its passage this 30th day of December, 1985.

**NORMAN B. RICE,**  
President of the City Council.

Approved by me this 8th day of January, 1986.

**CHARLES ROYER,**  
Mayor.

Filed by me this 8th day of January, 1986.

Attest: **CRAIG SOPER,**  
Acting City Comptroller and City Clerk.

(Seal) By **THERESA DUNBAR,**  
Deputy Clerk.

Publication ordered by **CRAIG SOPER,**  
Acting Comptroller and City Clerk.

Date of official publication in Daily Journal of Commerce Seattle, January 10, 1986. (C-94, A)

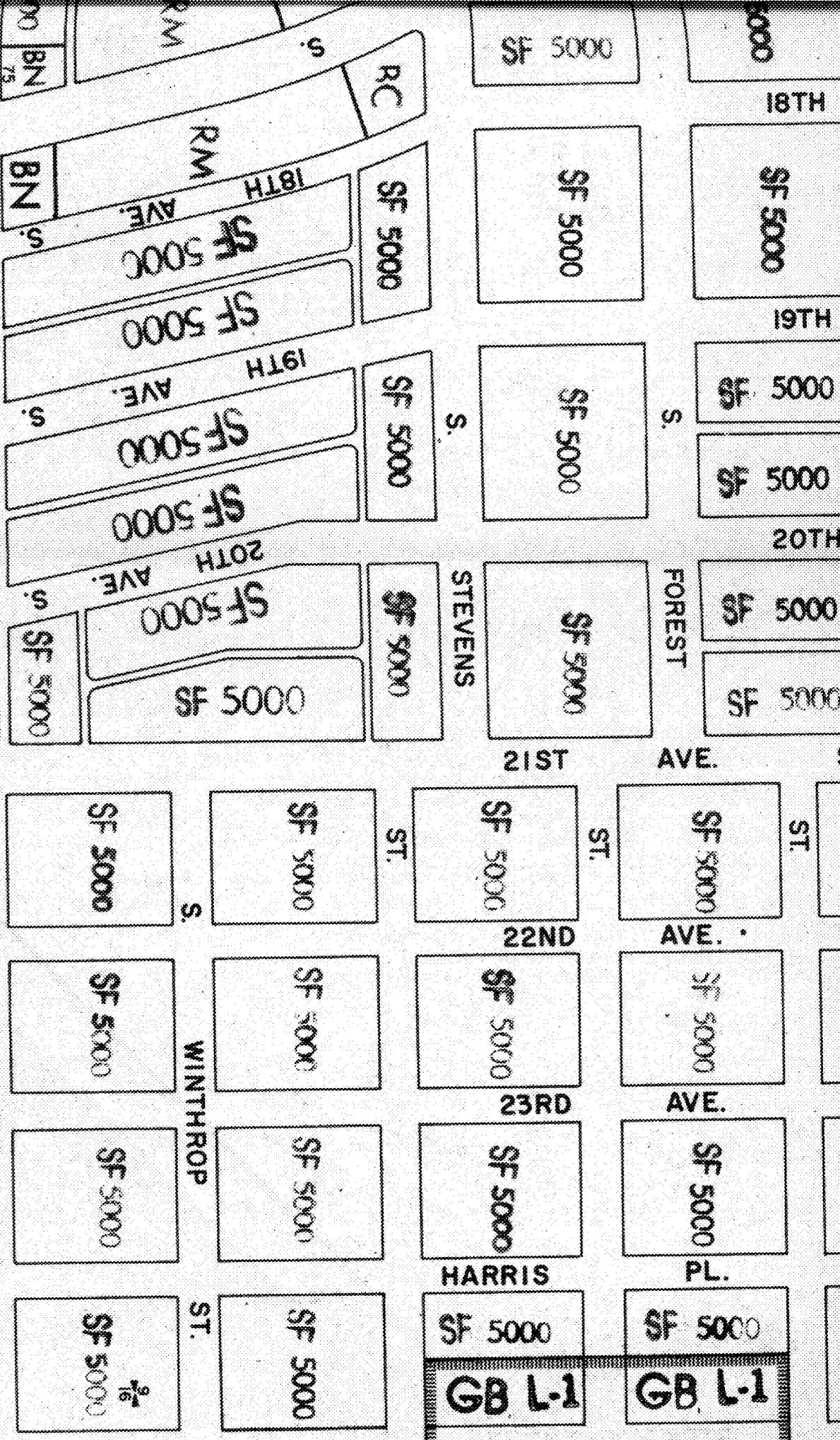
FEET

CLAIM NO. 44

HANFORD ST.

58W

132 C.F. 294155  
RES. ORD. 112649



CHEASTY