

ORDINANCE No. 112994

COUNCIL BILL No. 105631

AN ORDINANCE relating to Land Use and Zoning; amending Plat 36E, Page 103 of the Official Land Use Map to rezone property at 425 Broadway East from Midrise - Residential/Commercial (MR/RC) to Neighborhood Commercial 3 with a 65 foot height limit (NC3 65') and accepting a Property Use and Development Agreement in connection therewith. (Petition of Cardwell/Thomas; C.F. 294394.)

7/30/86 - UR Cmttee DO PASS

COMPTROLLER FILE No. _____

Introduced: JUL 14 1986	By: KRAABEL
Referred: JUL 14 1986	To: UR
Referred:	To:
Referred:	To:
Reported: AUG 11 1986	Second Reading: AUG 11 1986
Third Reading: AUG 11 1986	Signed: AUG 11 1986
Presented to Mayor: AUG 12 1986	Approved: AUG 13 1986
Returned to City Clerk: AUG 13 1986	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

OK

The City of

Honorable President:

Your Committee on UR

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

DO

REC'D ON AUG 17 1986

Leg Department

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

President:

Committee on

Urban Redevelopment

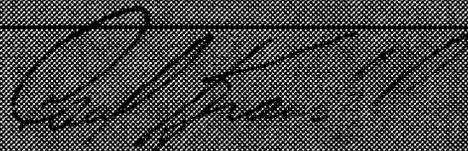
was referred the within Council Bill No.

105631

that we have considered the same and respectfully recommend that the same:

DO PASS

Vote 50



Committee Chair

ORDINANCE 112994

AN ORDINANCE relating to Land Use and Zoning; amending Plat 36E, Page 103 of the Official Land Use Map to rezone property at 425 Broadway East from Midrise - Residential/Commercial (MR/RC) to Neighborhood Commercial 3 with a 65 foot height limit (NC3 65') and accepting a Property Use and Development Agreement in connection therewith. (Petition of Cardwell/Thomas; C.F. 294354.)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Plat 36E, Page 103 of the Official Land Use Map adopted by Ordinance 110669 is amended to rezone from Midrise - Residential/Commercial (MR/RC) to Neighborhood Commercial 3 with a 65 foot height limit (NC3 65') Zone the following property:

Lots 7 through 12, inclusive, Block 35 Supplemental Plat of A. Pontius Addition to the City of Seattle according to the Plat thereof recorded in Volume 8 of Plats, page 39, records of King County Washington. Said property is situated in the City of Seattle, County of King, State of Washington,

as shown in "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. 294354.

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. 294354 by which said owners agree to certain restrictions upon the property to ameliorate the adverse impact of uses and development otherwise permitted in the Neighborhood Commercial 3 with a 65 foot height limit

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(NC3 65') 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 Construc-
tion 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 11th day of August, 1956

and signed by me in open session in authentication of its passage this 11th day of August, 1956

[Signature]
President of the City Council.

Approved by me this 19th day of August, 1956

Charles Pomeroy
Mayor.

Filed by me this 19th day of August, 1956

Attest: Howard J. Brooks
City Comptroller and City Clerk.

(SEAL)

B. Margaret Carter
Deputy Clerk.

Published.....

RECEIVED THIS DAY

AUG 26 2 51 PM '86

BY THE DIVISION OF
RECORDS & ELECTIONS
KING COUNTY

#4
105631

86/08/26
REC'D F
CASHL

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ORDINANCE 112994

AN ORDINANCE relating to Land Use and Zoning; amending Plat 36E, Page 103 of the Official Land Use Map to rezone property at 425 Broadway East from Midrise - Residential/Commercial (MR/RC) to Neighborhood Commercial 3 with a 65 foot height limit (NC3 65') and accepting a Property Use and Development Agreement in connection therewith. (Petition of Cardwell/Thomas; C.F. 294354.)

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as shown in "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. 294354.

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(NC3 65') 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.)

8608261122

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

I, NORWARD J. BROOKS, 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 10th day of August, 1986

NORWARD J. BROOKS
Comptroller and City Clerk

By: Margaret Carter
Deputy Clerk

FILED for Record at Request of
Return To:
NORWARD J. BROOKS CITY COMPTROLLER
101 SEATTLE MUNICIPAL BUILDING
SEATTLE, WA 98104

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 11th day of August, 1986
and signed by me in open session in authentication of its passage this 11th day of August, 1986
[Signature]
President of the City Council.

Approved by me this 19th day of August, 1986
[Signature]
Mayor.

Filed by me this 19th day of August, 1986

Attest: Norward J. Brooks
City Comptroller and City Clerk.

By: Margaret Carter
Deputy Clerk.

(SEAL)

Published.....

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354

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Plat 36E, Page 103 of the Official Land Use Map adopted by Ordinance 110669 is amended to rezone from Midrise - Residential/Commercial (MR/RC) to Neighborhood Commercial 3 with a 65 foot height limit (NC3 65') Zone the following property:

Lots 7 through 12, inclusive, Block 35 Supplemental Plat of A. Pontius Addition to the City of Seattle according to the Plat thereof recorded in Volume 8 of Plats, page 39, records of King County Washington. Said property is situated in the City of Seattle, County of King, State of Washington,

as shown in "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. 294394.

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. 294394 by which said owners agree to certain restrictions upon the property to ameliorate the adverse impact of uses and development otherwise permitted in the Neighborhood Commercial 3 with a 65 foot height limit

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(NC3 65') 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 Construc-
tion 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.....day of....., 19,
and signed by me in open session in authentication of its passage this.....day of
....., 19

President.....of the City Council.

Approved by me this.....day of....., 19

Mayor.

Filed by me this.....day of....., 19

Attest:.....
City Comptroller and City Clerk.

(SEAL)

Published.....

By.....
Deputy Clerk.

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

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 property, (herein called the "Property"):

Lots 7 through 12, inclusive, Block 35 Supplemental Plat of A. Pontius Addition to the City of Seattle according to the Plat thereof recorded in Volume 8 of Plats, page 39, records of King County Washington. Said property is situated in the City of Seattle, County of King, State of Washington,

WHEREAS, owners have filed a petition (C.F. 294354) with the City to rezone the Property from Midrise - Residential/Commercial (MR/RC) to Neighborhood Commercial 3 with a 65 foot height limit (NC3 65') Zone pursuant to the provisions of the Land Use Code; and

WHEREAS, the Hearing Examiner recommended approval of the petition subject to limitations on height and use of the structure; conditions relating to access, landscaping and signage; and the provision of a courtyard.

WHEREAS, the Urban Redevelopment Committee recommended to the City Council that the Property be rezoned to Neighborhood Commercial 3 with a 65 foot height limit (NC3 65') Zone subject to the execution and recording of an agreement with the City pertaining to the use and development of the Property, imposing limitations on height and use of the structure; conditions relating to access, landscaping and



NOW, THEREFORE, the Owners hereby covenant, bargain and agree on behalf of themselves and their heirs, successors and assigns that they will comply with the following conditions if the Property is rezoned to a NC3 65' classification;

Section 1. Development of the Property shall be accomplished in accordance with the following conditions:

- A. Height: Any building shall be limited to 55 ft. in height.
- B. Use Limitations: Any building on the subject site (westerly half block) shall be limited to 70,000 gross sq. ft. of commercial uses. Additional floor area shall be occupied by residential units.
- C. Access:
 - 1. No commercial frontage or access shall be provided along Harvard Avenue E. except at the north and south corners of the frontage. Emergency egress from commercial establishments shall be allowed on Harvard Avenue E. but shall be strictly limited to emergency use only.
 - 2. Vehicular access to the parking garage shall be limited to E. Harrison Street. Service vehicle loading shall be limited to E. Republican Street.
- D. Landscaping: Existing street trees along Harvard Avenue E. shall be retained.
- E. Signage: No illuminated, commercial or advertising signage shall be erected on Harvard Avenue frontage.
- F. Courtyard: A courtyard of approximately 1,600 sq. ft., landscaped with trees, shrubs and groundcover, shall be incorporated in the Harvard Avenue Building facade at approximately mid-block.
- G. Parking: The owners shall be permitted a maximum of 70 percent small car slots in their required parking spaces.

Section 2. This Property Use and Development Agreement (hereafter "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 afteracquired title of the Owners of the Property; provided that the covenants hereof shall expire and be of no force and effect two years from the effective date of the approval of this rezone if the Owners fail to satisfy the requirement of Section 23.76.060 of the Seattle Municipal Code.

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 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 NC3 65' 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 27 day of July, 1986.

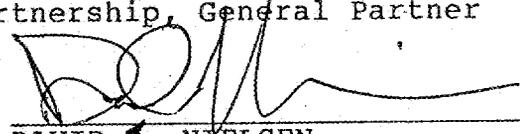
OWNER:

ON BROADWAY JOINT VENTURE, A
Washington General Partnership

By

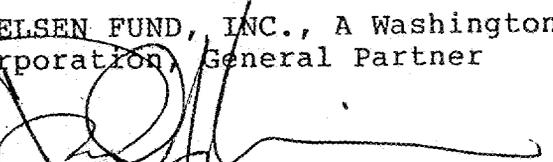
Val Thomas
VAL THOMAS, General Partner

ON BROADWAY ASSOCIATES LIMITED
PARTNERSHIP, a Washington Limited
Partnership, General Partner

By 

DAVID J. NIELSEN
General Partner

NIELSEN FUND, INC., A Washington
Corporation, General Partner

By 

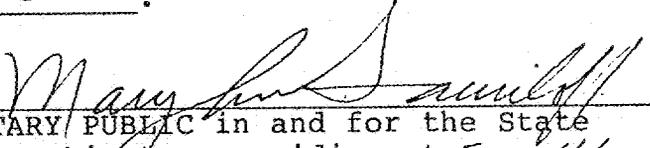
DAVID J. NIELSEN, President

STATE OF WASHINGTON)

COUNTY OF King) ss.

I certify that I know or have satisfactory evidence that
VAL THOMAS signed this instrument, on oath stated that he was
authorized to execute the instrument and acknowledged it as a
general partner of ON BROADWAY JOINT VENTURE to be the free
and voluntary act of such partnership, for the uses and
purposes mentioned in the instrument.

DATED: 7-24-86.

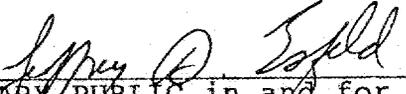

NOTARY PUBLIC in and for the State
of Washington, residing at Seattle.
My appointment expires: 6/6/90.

STATE OF WASHINGTON)

COUNTY OF King) ss.

I certify that I know or have satisfactory evidence that
DAVID J. NIELSEN signed this instrument, on oath stated that
he was authorized to execute the instrument and acknowledged
it as a general partner of ON BROADWAY ASSOCIATES LIMITED
PARTNERSHIP, a general partner of ON BROADWAY JOINT VENTURE to
be the free and voluntary act of such partnership, for the
uses and purposes mentioned in the instrument.

DATED: 7/24/86.


NOTARY PUBLIC in and for the State
of Washington, residing at King.
My appointment expires 10/86.

STATE OF WASHINGTON)
COUNTY OF King) ss.

I certify that I know or have satisfactory evidence that DAVID J. NIELSEN signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as President of NIELSEN FUND, INC., a general partner of ON BROADWAY ASSOCIATES LIMITED PARTNERSHIP, a general partner of ON BROADWAY JOINT VENTURE to be the free and voluntary act of such partnership, for the uses and purposes mentioned in the instrument.

DATED: 7/24/86.

Jeffrey D. Isfeld
NOTARY PUBLIC in and for the State
of Washington, residing at King.
My appointment expires 10/86.

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 property, (herein called the "Property"):

Lots 7 through 12, inclusive, Block 35
Supplemental Plat of A. Pontius Addition
to the City of Seattle according to the
Plat thereof recorded in Volume 8 of Plats,
page 39, records of King County Washington.
Said property is situated in the City of
Seattle, County of King, State of Washington,

WHEREAS, owners have filed a petition (C.F. 294394) with the City to rezone the Property from Midrise - Residential/Commercial (MR/RC) to Neighborhood Commercial 3 with a 65 foot height limit (NC3 65') Zone pursuant to the provisions of the Land Use Code; and

WHEREAS, the Hearing Examiner recommended approval of the petition subject to limitations on height and use of the structure; conditions relating to access, landscaping and signage; and the provision of a courtyard.

WHEREAS, the Land Use Committee recommended to the City Council that the Property be rezoned to Neighborhood Commercial 3 with a 65 foot height limit (NC3 65') Zone subject to the execution and recording of an agreement with the City pertaining to the use and development of the Property, imposing limitations on height and use of the structure; conditions relating to access, landscaping and

signage; and the provision of a courtyard, in order to ameliorate the adverse impacts of unrestricted use and development of property in a NC3 65' Zone;

NOW, THEREFORE, the Owners hereby covenant, bargain and agree on behalf of themselves and their heirs, successors and assigns that they will comply with the following conditions if the Property is rezoned to a NC3 65' classification;

Section 1. Development of the Property shall be accomplished in accordance with the following conditions:

- A. Height: Any building shall be limited to 55 ft. in height.
- B. Use Limitations: Any building on the subject site (westerly half block) shall be limited to two levels of commercial uses. Additional levels shall be occupied by residential units.
- C. Access:
 - 1. No commercial frontage or access shall be provided along Harvard Avenue E. except at the north and south corners of the frontage. Emergency egress from commercial establishments shall be allowed on Harvard Avenue E. but shall be strictly limited to emergency use only.
 - 2. Vehicular access to the parking garage shall be limited to E. Harrison Street. Service vehicle loading shall be limited to E. Republican Street.
- D. Landscaping: Existing street trees along Harvard Avenue E. shall be retained.
- E. Signage: No illuminated, commercial or advertising signage shall be erected on Harvard Avenue frontage.
- F. Courtyard: A courtyard of approximately 1,600 sq. ft., landscaped with trees, shrubs and groundcover, shall be incorporated in the Harvard Avenue Building facade at approximately mid-block.

Section 2. This Property Use and Development Agreement (hereafter "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 afteracquired title of the Owners of the Property; provided that the covenants hereof shall expire and be of no force and effect two years from the effective date of the approval of this rezone if the Owners fail to satisfy the requirement of Section 23.76.060 of the Seattle Municipal Code.

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 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 NC3 65' 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 _____ day of _____, 1986.

OWNER:

ON BROADWAY JOINT VENTURE

By _____
Its _____

STATE OF _____)
) ss.
COUNTY OF _____)

On this _____ day of _____, 198____, before me personally appeared _____, to me known to be the _____ of ON BROADWAY JOINT VENTURE, 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.

NOTARY PUBLIC in and for the State
of Washington, residing at _____.
My appointment expires _____.

C-409-X

Affidavit of Publication

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. 112994
.....

was published on August 22, 1986
.....
.....

B. Blair
.....
Subscribed and sworn to before me on
August 22, 1986

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

TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Carl Frankel

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

City of Seattle

ORDINANCE 112994

AN ORDINANCE relating to Land Use and Zoning; amending Plat 36E, Page 103 of the Official Land Use Map to rezone property at 425 Broadway East from Midrise - Residential/Commercial (MR/RC) to Neighborhood Commercial 3 with a 65 foot height limit (NC3 65') and accepting a Property Use and Development Agreement in connection therewith. (Petition of Cardwell/Thomas; C.F. 294354.)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Plat 36E, Page 103 of the Official Land Use Map adopted by Ordinance 110669 is amended to rezone from Midrise - Residential/Commercial (MR/RC) to Neighborhood Commercial 3 with a 65 foot height limit (NC3 65') Zone the following property:

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as shows in "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. 294354.

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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 11th day of August, 1986, and signed by me in open session in authentication of its passage this 11th day of August, 1986.

SAM SMITH,
President of the City Council.

Approved by me this 19th day of August, 1986.

CHARLES ROYER,
Mayor.

Filed by me this 19th day of August, 1986.

Attest: NORWARD J. BROOKS,
City Comptroller and City Clerk.

(Seal) By MARGARET CARTER,
Deputy Clerk.

Publication ordered by NORWARD J. BROOKS, Comptroller and City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, August 21, 1986.

(C-409-2)

CITY COUNCIL TRANSMITTAL

C. F. # 29434

TO:

Doug Spence, City Attorney
 Attention: James Farn

Date Sent:

5/18/86

Reply Requested By:

ASAP

Subject: Contract Remove petition of Carrwell/
 Traxas and Associates for On Broadway Joint
 Venture.

FROM:

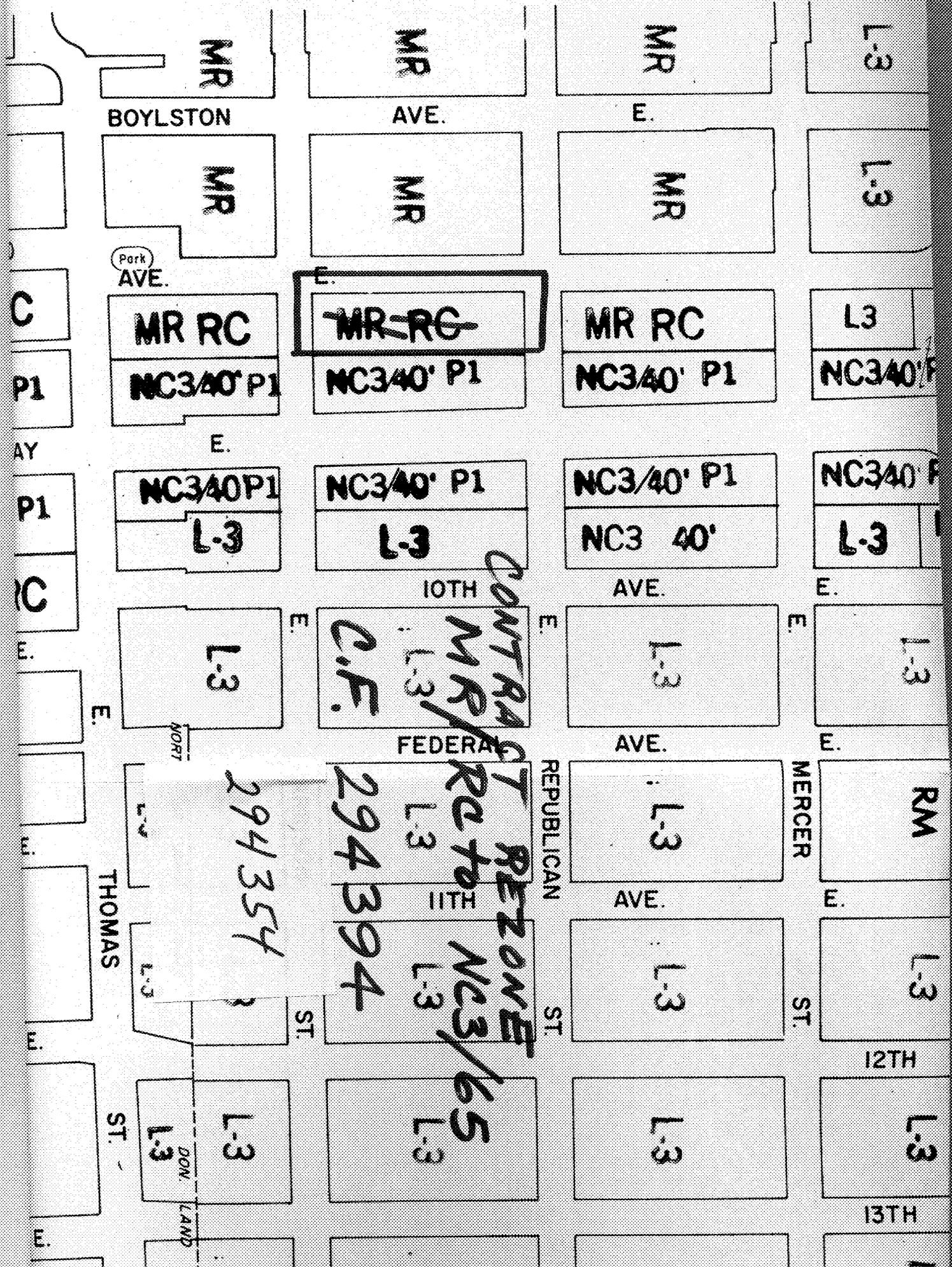
Paul Kruebel, Chair
 Urban Redevelopment Committee

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 () In Duplicate
XXXXXX	Prepare Legislation and Return File to Sender

Additional Information:

Paul Kruebel for PK
 Signature



MR

MR

MR

L-3

BOYLSTON

AVE.

E.

MR

MR

MR

L-3

Park AVE.

MR-RC

MR RC

L3

C

MR RC

NC340' P1

NC340' P1

NC340' P1

P1

NC340' P1

E.

NC340' P1

NC340' P1

NC340' P1

NC340' P1

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P1

L-3

L-3

NC3 40'

L-3

C

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AVE.

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L-3

CONTRACT REZONE
MR-RC to NC3/65
C.F.

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THOMAS

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