

ORDINANCE No. 114220

COUNCIL BILL No. 106963

Law Department

The City of

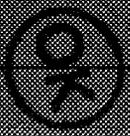
AN ORDINANCE relating to Land Use and Zoning; amending Plat 76W, Page 179 of the Official Land Use Map to rezone property located at 2500 S.W. Barton Street from Single Family 7200 (SF 7200) to Commercial 1, 40 foot height limit (C 1/40') Zone and accepting a Property Use and Development Agreement in connection therewith. (Petition of BCE Development; C.F. 296110.)

Honorable President:

Your Committee on URBAN

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

COMPTROLLER FILE No.

Introduced: <i>Sept 26, 1988</i>	By: <i>Al Spencer Request</i>
Referred: <i>Sept 26, 1988</i>	To: <i>Urban Redevelopment</i>
Referred:	To:
Referred:	To:
Reported: NOV 14 1988	Second Reading: NOV 14 1988
Third Reading: NOV 14 1988	Signed: NOV 14 1988
Presented to Mayor: NOV 15 1988	Approved: NOV 21 1988
Returned to City Clerk: NOV 21 1988	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained: 

Law Department

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

President:

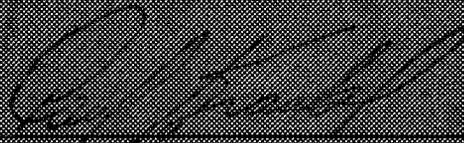
Committed on

URBAN REDEVELOPMENT

was referred the within Council Bill No. 106963

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

DO PASS by a vote of ^{PK} 1-0 ON 10-17-18



Committee Chair

ORDINANCE 114220

AN ORDINANCE relating to Land Use and Zoning; amending Plat 76W, Page 179 of the Official Land Use Map to rezone property located at 2500 S.W. Barton Street from Single Family 7200 (SF 7200) to Commercial 1, 40 foot height limit (C 1/40') Zone and accepting a Property Use and Development Agreement in connection therewith. (Petition of BCE Development; C.F. 296110.)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Plat 76W, Page 179 of the Official Land Use Map adopted by Ordinance 110669 is amended to rezone from Single Family 7200 (SF 7200) to Commercial 1, 40 foot height limit (C 1/40') Zoning the following described property:

That portion of the Southwest quarter of Section 36, Township 24 North, Range 3 East, W.M., in King County, Washington, described as follows:

The East 100 feet of the West 565 feet of the East three-quarters of the North half of the Northeast quarter of said subdivision EXCEPT the North 330 feet thereof; also the North 130 feet of the West 565 feet of the East three-quarters of the South half of the Northeast quarter of said subdivision; and also the West 130 feet of the East three-quarters of the South half of the Northeast quarter of said subdivision, except the South 130 feet as established by City of Seattle Ordinance 88518; EXCEPT streets.

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. 296110.

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. 296110, by which said owners agree to certain restrictions upon the Property to ameliorate the

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adverse impact of uses and development not otherwise permitted in the Comercial 1, 40 foot height limit (C 1/40') 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 14th day of November, 1988
and signed by me in open session in authentication of its passage this 14th day of November, 1988.

President _____ of the City Council.
Approved by me this 21st day of November, 1988.

Charles P. Ryan Mayor.

Filed by me this 21st day of November, 1988

Normand J. Brooks
Attest: _____
City Comptroller and City Clerk.

(SEAL)

Published _____

By Theresa Dunbar
Deputy Clerk.

PUBLISH DO NOT PUBLISH

CITY ATTORNEY _____

88/11/01 #1114 B
RECD F 8.00
CRSHSL *****8.00
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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"):

That portion of the Southwest quarter of Section 36, Township 24 North, Range 3 East, W.M., in King County, Washington, described as follows:

The East 100 feet of the West 565 feet of the East three-quarters of the North half of the Northeast quarter of said subdivision EXCEPT the North 330 feet thereof, also the North 130 feet of the West 565 feet of the East three-quarters of the South half of the Northeast quarter of said subdivision; and also the West 130 feet of the East three-quarters of the South half of the Northeast quarter of said subdivision except the South 130 feet as established by City of Seattle Ordinance 88518; EXCEPT streets.

BY THE DIVISION OF
RECORDS & ELECTIONS
KING COUNTY
NOV 1 2 28 11 00

RECEIVED THIS DAY

WHEREAS, the Owner has filed a petition (C.F. 296110) with the City to rezone the Property from Single Family 7200 (SF 7200) to Commercial 1, 40 foot height limit (C 1/40') Zone pursuant to the provisions of the Land Use Code; and

WHEREAS, the Hearing Examiner recommended approval of the petition subject to certain conditions relating to landscaping and parking.

WHEREAS, the Land Use Committee recommended to the City Council that the Property be rezoned to the Commercial 1, 40 foot height limit (C 1/40') Zone subject to the execution and recording of an agreement with the City pertaining to the use and development of the Property, imposing parking and

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landscaping conditions in order to ameliorate the adverse impact of unrestricted use and development of property in a C 1/40' Zone;

NOW, THEREFORE, the Owners 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 C 1/40' Zone classification:

Section 1. Development of the Property shall be accomplished in accordance with the following conditions relating to landscaping and parking:

- 881101114
- A. The Owner and/or responsible parties shall provide a landscape buffer along the western property line as approved by the Department of Construction and Land Use in the Master Use Permit plan. The buffer shall be at least 35 feet wide along 29th Avenue S.W. and 20 feet wide along both S.W. Henderson Street and the remainder of the westerly property line. The Owner and/or responsible parties shall maintain the landscape buffer for the life of the project.
 - B. The Owner and/or responsible parties shall limit the use of the rezone area north of the extension of S.W. Henderson Street to accessory parking for automobiles to the shopping center and landscaping only. This restriction shall not prohibit the provision of aisles for vehicle access and maneuvering.

Section 2. This Property Use and Development Agreement (hereafter "Agreement") shall be recorded in the records of

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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 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 an C 1/40' 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 any condition or restriction hereinabove contained or any

114220

COPY RECEIVED

SEP 21 1988

LAW OFFICES OF
BUCK & GORDON

WATERFRONT PLACE, SUITE 902
1011 WESTERN AVENUE
SEATTLE, WASHINGTON 98104
(206) 382-9540

*ALSO ADMITTED IN ALASKA
*ALSO ADMITTED IN CALIFORNIA

PETER L. BUCK
BRENT CARSON
JAY R. DERR*
JOEL M. GORDON†
AMY L. KOSTERLITZ

Douglas N. Jowett
CITY ATTORNEY

September 20, 1988

Ms. Carol Morris
City of Seattle Legal Department
Municipal Building
Seattle, WA 98102

Re: West Seattle Towne Center; C.F. #296110

Dear Ms. Morris:

As we discussed, enclosed is the corrected legal description for the proposed rezone portion of the West Seattle Towne Center which corrected description has been approved by the project engineer and by Ken Mar for the City.

Please see that this corrected legal description is included as necessary in the rezone application and final contract rezone ordinance. This project is scheduled for sufficiency of the record hearing on October 5 and Committee hearing on October 19. I appreciate your assistance in this matter. Let me know if there is anything else we need to do in order to meet the above time schedule.

Very truly yours,

Amy L. Kosterlitz
Amy L. Kosterlitz

ALK\LTR2.999
Enclosure

cc: Mary Denzel, City Council Staff
Vince Scotti, BCED

WEST SEATTLE TOWNE CENTER
REZONE PARCEL R.1
LEGAL DESCRIPTION

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 24 NORTH, RANGE 3 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

THE EAST 100 FEET OF THE WEST 565 FEET OF THE EAST THREE-QUARTERS OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SUBDIVISION EXCEPT THE NORTH 330 FEET THEREOF; ALSO THE NORTH 130 FEET OF THE WEST 565 FEET OF THE EAST THREE-QUARTERS OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SUBDIVISION; AND ALSO THE WEST 130 FEET OF THE EAST THREE-QUARTERS OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SUBDIVISION, EXCEPT THE SOUTH 130 FEET AS ESTABLISHED BY CITY OF SEATTLE ORDINANCE 88518; EXCEPT STREETS.

C-737-X

Affidavit of Publication

City of Seattle

ORDINANCE 114220

AN ORDINANCE relating to Land Use and Zoning, amending Plat 76W, Page 179 of the Official Land Use Map to rezone property located at 2500 S. W. Barton Street from Single Family 7200 (SF 7200) to Commercial 1, 40 foot height limit (C 1/40) Zone and accepting a Property Use and Development Agreement in connection therewith. (Petition of BEE Development; C. F. 296110.)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Plat 76W, Page 179 of the Official Land Use Map adopted by Ordinance 110093 is amended to rezone from Single Family 7200 (SF 7200) to Commercial 1, 40 Foot height limit (C 1/40) Zoning the following described property:

That portion of the Southwest quarter of Section 36, Township 24 North, Range 3 East, W. M., in King County, Washington, described as follows:

The East 100 feet of the West 365 feet of the East three-quarters of the North half of the Northeast quarter of said subdivision EXCEPT the North 330 feet thereof, also the North 130 feet of the West 365 feet of the East three-quarters of the South half of the Northeast quarter of said subdivision; and also the West 130 feet of the East three-quarters of the South half of the Northeast quarter of said subdivision, except the South 130 feet as established by City of Seattle Ordinance 88518, EXCEPT streets

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. 296110.

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. 296110, by which said owners agree to certain restrictions upon the Property to ameliorate the adverse impact of uses and development not otherwise permitted in the Commercial 1, 40 foot height limit (C 1/40) 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.

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 14th day of November, 1988, and signed by me in open session in authentication of its passage this 14th day of November, 1988.

SAM SMITH,
President of the City Council.
Approved by me this 21st day of November, 1988.

CHARLES ROYER,
Mayor.
Filed by me this 21st day of November, 1988.

ANNIE NORWARD J. BROOKS,
City Comptroller and City Clerk.
(Seal of) TERESA DUGGAN,
Deputy Clerk.
Publication ordered by NORWARD J. BROOKS, Comptroller and City Clerk.

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. 114220

was published on December 13, 1988

V. Ravn

Subscribed and sworn to before me on

December 13, 1988

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

CITY COUNCIL TRANSMITTAL

C. F. # 296110

Reply Requested By: 7-28-88

Date Sent: 8-26-88

Subject: Re: re: ordinance

TO: DOUG JENNETT
CITY ATTORNEY
M/S 01-10-01

FROM: Mary Deneel
Central Staff
688 3109

NOV'S
PETERSON
PETERSON
MAY

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		
Prepare Legislation and Return File to Sender	✓	

ACTION 1 required

Additional Information: DENNIS McLENNAN ASKED WITH APPOINTMENT ABOUT THIS ONE. DUFFIELD OF BOARD WITH BE 7-18-88

Mary Deneel

Signature