

Ordinance No. 120719

Council Bill No. 114068

AN ORDINANCE relating to the installation of street improvements consisting of a storm sewer in and the regrading and paving of the alley in Block 8, Burke & Farrar's Columbia Park Addition to the City of Seattle, recorded in Vol. 18 of plats, page 25, Records of King County, Washington, authorizing the Director of Transportation to execute an assessment reimbursement agreement with the owner of Lots 16-18 in said Block 8 for the cost of said improvements, and determining the assessment reimbursement area and the pro rata shares of the adjacent properties benefited by the street improvements, and setting a period of fifteen years during which partial reimbursements from the benefited properties may be collected.

CF No. _____

Date Introduced:	DEC 17 2001	
Date 1st Referred:	DEC 17 2001	To: (committee) TRANSPORTATION
Date Re - Referred:		To: (committee)
Date Re - Referred:		To: (committee)
Date of Final Passage:	2-11-02	Full Council Vote: 9-0
Date Presented to Mayor:	2-12-02	Date Approved: 2/14/02
Date Returned to City Clerk:	2/15/02	Date Published: 3/19/02
Date Vetoes by Mayor:		T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Passed Over Veto:		Date Vote Published:
		Veto Sustained:

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: [Signature]

Committee Action:

2/5/02 unanimously passed ^{ad am} 3-0
contin.

2/5/02 attachment + exhibit
unanimously passed

2-11-02 Passed 9-0

This file is complete and ready for presentation to Full Council. Com

Law Department

Law Dept. Review

OMP Review

City Clerk Review

ORDINANCE **120719**

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AN ORDINANCE relating to the installation of street improvements consisting of a storm sewer in and the regrading and paving of the alley in Block 8, Burke & Farrar's Columbia Park Addition to the City of Seattle, recorded in Vol. 18 of plats, page 25, Records of King County, Washington, authorizing the Director of Transportation to execute an assessment reimbursement agreement with the owner of Lots 16-18 in said Block 8 for the cost of said improvements, and determining the assessment reimbursement area and the pro rata shares of the adjacent properties benefited by the street improvements, and setting a period of fifteen years during which partial reimbursements from the benefited properties may be collected.

WHEREAS, John W. Demco is the owner of certain real property in the City of Seattle more particularly described as Lots 16-18, Block 8, Burke & Farrar's Columbia Park Addition to the City of Seattle, located at 5224 Wilson Avenue South; and

WHEREAS, in connection with the redevelopment of his property pursuant to Master Use Permit No. 9705105, John W. Demco was required, as a condition of obtaining the necessary permits, to make certain street improvements pursuant to Chapter 23.53 of the Land Use Code; which improvements benefit other parcels adjacent thereto and which would also be required as prerequisite to development of such adjacent properties; and

WHEREAS, RCW Chapter 35.72 authorizes agreements between cities and developers that provide for partial reimbursement of the costs of such street improvements to be made to the developer by other benefited properties under certain circumstances; and

WHEREAS, pursuant to RCW Chapter 35.72, the City formulated a preliminary assessment reimbursement area to include the parcels of real property adjacent to the street improvements and a preliminary determination of the reimbursement share applicable to each such parcel, and, by certified mail, sent the preliminary determination of the area boundaries and assessments to the property owners of record within the proposed assessment area along with the information that such property owners had the right to request in writing a public hearing before the City Council within 20 days of the mailing; and

WHEREAS, after receipt of several requests for a public hearing, notice of said hearing to be held on December 13, 2001 was sent to the property owners on November 30, 2001, and the hearing was duly held by the Transportation Committee of the City Council; after which the Committee determined that adjustments to the final reimbursement shares should be made, and recommended to the full Council that it authorize an assessment reimbursement agreement that reflects the adjusted reimbursement;

WHEREAS, after the public hearing was held, the City received notification that the owner of Lots 14 and 15, Block 8, Burke & Farrar's Columbia Park Addition had paid his proposed share directly to John W. Demco, and in so doing, became a contributor to the original cost of the street project under RCW 35.72.020(3), and thus not subject to an assessment reimbursement agreement; and

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.



1 WHEREAS, at the February 5, 2002 meeting of the Transportation Committee , the members of the
2 Committee voted to adjust the reimbursement share roll to reflect said payment by the owner of
3 Lots 14 and 15; NOW, THEREFORE

4 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

5 Section 1. As requested by the Director of Transportation and recommended by the Mayor in the
6 attachments hereto, the Director of Transportation is hereby authorized to execute an assessment
7 reimbursement agreement, substantially in the form of Exhibit A hereto, with John W. Demco for
8 improvements to the alley in Block 8, Burke & Farrar's Columbia Park Addition to the City of Seattle
9 installed under Street Use Permit No. W6332. The agreement shall have a term not to exceed 15 years
10 from the date of the City's acceptance of the storm sewer and paving improvements.

11 Section 2. The boundaries of the assessment reimbursement area as shown on Exhibit B hereto
12 and the adjusted assessment shares as shown on Exhibit C hereto are hereby confirmed as adjusted.

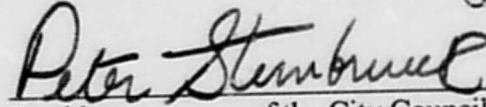
13 Section 3. Any act consistent with the authority and prior to the effective date of this ordinance
14 is hereby ratified and confirmed.
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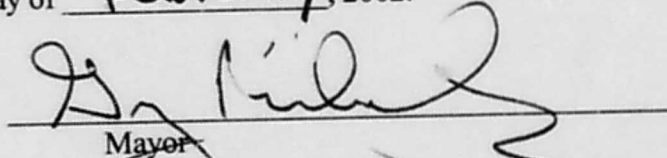


1 Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its
2 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
3 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

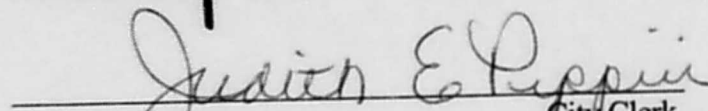
4 Passed by the City Council the 11th day of February, 2002, and signed by me in open
5 session in authentication of its passage this 11th day of February, 2002.

6 
7 President _____ of the City Council

8 Approved by me this 14 day of February, 2002.

9 
10 Mayor _____

11 Filed by me this 15 day of February, 2002.

12 
13 City Clerk _____

14 (Seal)

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18 Exhibit A: Assessment Reimbursement Agreement
19 Exhibit B: Map of Assessment Area
20 Exhibit C: Reimbursement Share Roll

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Exhibit A

After recording return document to:

City of Seattle
Department of Transportation
Attn: Donald Nelson
Street Use Section
600 Fourth Avenue, 5th floor
Seattle, WA 98104

Document Title: Assessment Reimbursement Agreement
Party of 1st Part: City of Seattle
Party of 2nd Part: John W. Demco
**Legal Description: Alley in Block 8, Burke & Farrar's Columbia Park Addition to
the City of Seattle, recorded in Vol. 18 of plats, page 25, Records of King
County, Washington.**
Additional Legal Descriptions are in Pages 6 and 8 of Document
Assessor's Tax Parcel Number: None Available - Public Alley

ASSESSMENT REIMBURSEMENT AGREEMENT

This Agreement, is made this day by and between The City of Seattle, a municipal corporation ("the City") and John W. Demco, his successors and assigns ("Owner").

WITNESSETH:

WHEREAS, Owner is the owner of certain real property in the City of Seattle more particularly described in Exhibit A, attached hereto and made a part of this Agreement by reference; and

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WHEREAS, Owner is developing his property pursuant to Master Use Permit No. 9705105, and is required by Chapter 23.53 of the Land Use Code to make certain street improvements; which improvements benefit other parcels adjacent thereto and which would also be required as prerequisite to development of such adjacent properties; and

WHEREAS, RCW Chapter 35.72 authorizes agreements between cities and developers that provide for partial reimbursement of the costs of such street improvements to be made to the developer by other benefited properties under certain circumstances; and

WHEREAS, pursuant to RCW Chapter 35.72, the City:

- (a) formulated a preliminary assessment area to include the parcels of real property adjacent to the street improvements and a preliminary reimbursement share applicable to each such parcel;
- (b) by certified mail forwarded the preliminary determination of area boundaries and assessments to the property owners of record within the proposed assessment area along with the information that such property owners had the right to request in writing a public hearing before the City Council within 20 days of the mailing; and
- (c) held a public hearing and thereafter made its final determination establishing the area assessment boundaries and the reimbursement share for each parcel therein, which will become binding upon owners of record within the assessment area when this Agreement is filed with the King County Office of Records and Elections; and

WHEREAS, Owner, at his own cost and expense, prepared plans and specifications, obtained Street Use Permit No. W6332 and installed street improvements consisting of a storm drain and pavement of the alley in Block 8, Burke & Farrar's Columbia Park Addition to the City of Seattle, all according to the plans filed with the

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City under SPU Vault Plan 885-88, which improvements were accepted by the Department of Transportation as complete on April 18, 2001, all in accordance with the ordinance of the City and the conditions of said permit; NOW, THEREFORE;

It is hereby agreed as follows:

1. The City agrees that whenever it approves development plans on any parcel of real property within the assessment area boundaries which would have required installation of the street improvements constructed by Owner, it will impose as a condition to the development permit(s) the payment of the applicable reimbursement share for that parcel, without interest or adjustment for depreciation. The reimbursement shall be collected by the Director of Transportation and paid to the Department of Finance, and by it remitted to Owner. Owner shall keep his current address on file with the Director of Transportation.

2. The assessments that are subject to this Agreement shall be levied against the property within the assessment reimbursement area shown on Exhibit B attached hereto, in the amount calculated and shown on the assessment share roll, Exhibit C attached hereto, which Exhibits are made a part of this Agreement by reference.

3. The obligation of the City to impose and collect the reimbursements shares shall terminate on April 18, 2016, the last day of the fifteenth year following the date of acceptance by the Department of Transportation of the street improvements as complete.

4. The total amount to be reimbursed to Owner will not exceed \$ 52,095.63 after deduction of Owner's share and the share prepaid by the owner of Lots 14 and 15, Block 8, Burke & Farrar's Columbia Park Addition. Owner acknowledges that there is no guarantee that the assessments will accrue and be paid during the period of this

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Agreement.

5. Notwithstanding any other provision, herein, the unintentional failure of the City to impose or collect any reimbursement share shall not give rise to a claim against the City for reimbursement, and Owner hereby waives all rights to proceed against the City on such a claim.

IN WITNESS WHEREOF, the City and Owner have executed this Agreement this _____ day of _____, 20__.

THE CITY OF SEATTLE

By: _____
Its Director of Transportation

Approved by Ordinance _____

OWNER

John W. Demco



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STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this ____ day of _____, 2002, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____, known to me (or proved to me on the basis of satisfactory evidence) to be the Director of Transportation of The City of Seattle, the municipal corporation named in and which executed the foregoing document, and stated on oath that he/she was authorized to execute the foregoing document on behalf of said municipal corporation and signed the same as the free and voluntary act and deed of said municipal corporation for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

Print Name: _____
NOTARY PUBLIC in and for the State
of Washington, residing at _____
My commission expires: _____

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act and deed for the uses and purposes mentioned in the instrument.

Date: _____

Print Name: _____
NOTARY PUBLIC in and for the State
of Washington, residing at _____
My commission expires _____



EXHIBIT A TO AGREEMENT

STREET PROJECT IMPROVEMENT OF: PORTION OF ALLEY
BETWEEN WILSON AVENUE SOUTH AND 52ND AVENUE SOUTH,
IN BLOCK 8, BURKE & FARRAR'S COLUMBIA PARK ADDITION
TO THE CITY OF SEATTLE
CONSTRUCTED BY JOHN W. DEMCO
ACCEPTED BY CITY AS COMPLETE D APRIL 18, 2001
FIFTEEN YEAR PERIOD ENDS: APRIL 18, 2016

STREET USE PERMIT W6332

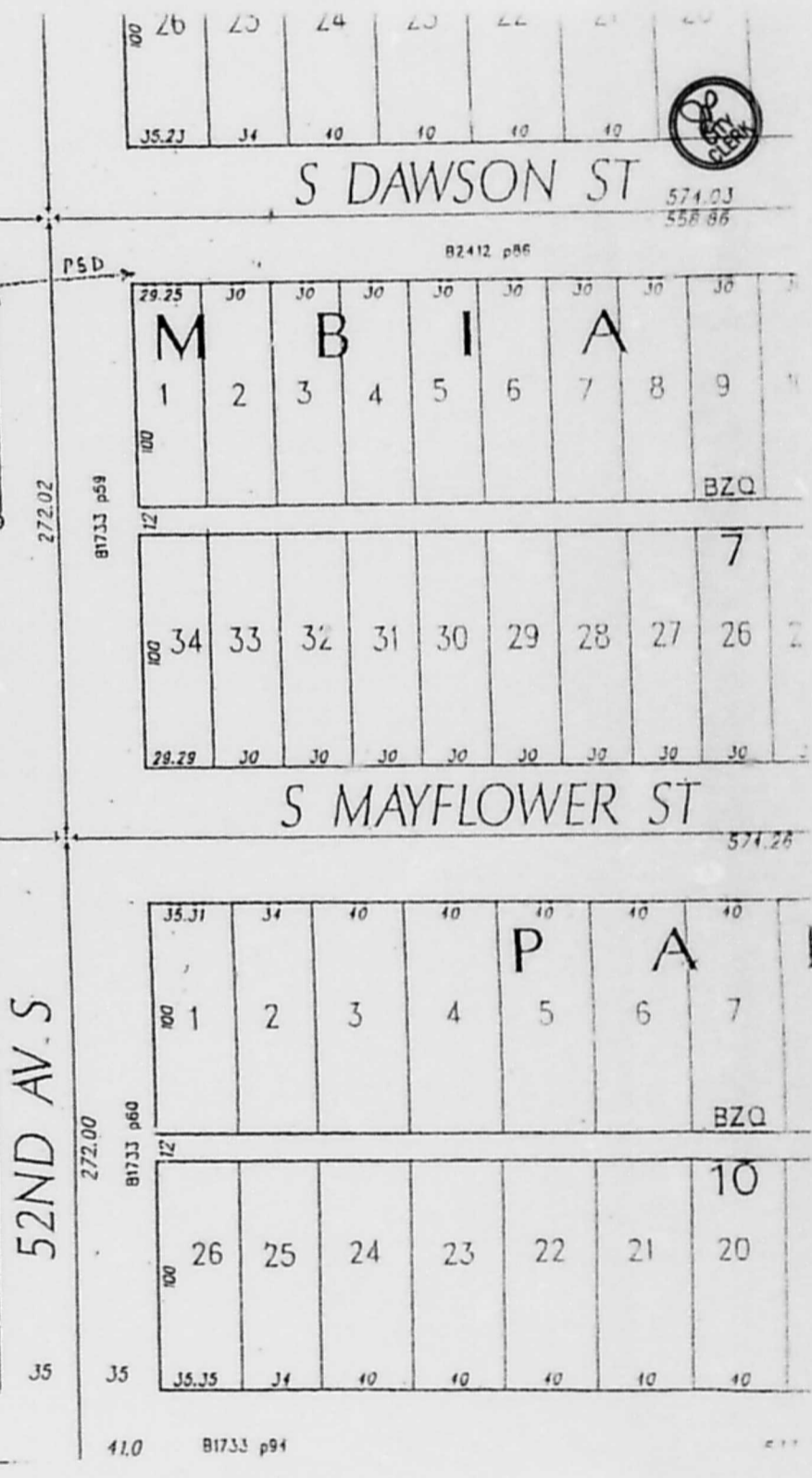
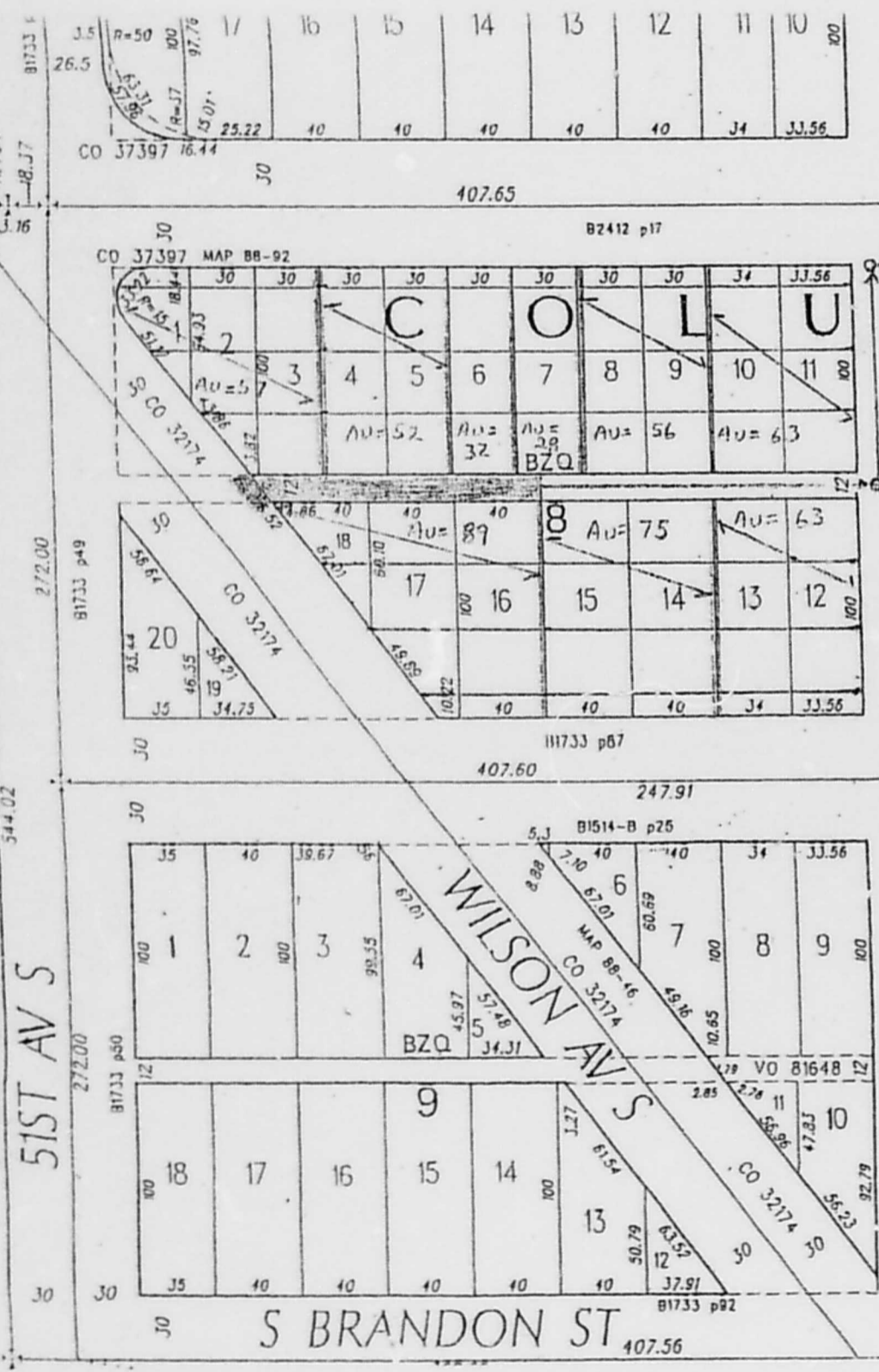
Development of 2-Story Office/Retail Building with Basement
Parking at 5224 Wilson Ave South

Lots 16-18, Block 8, Burke & Farrar's Columbia Park
Addition to the City of Seattle, recorded in Vol. 18 of plats,
page 25, Records of King County, Washington.

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EXHIBIT B



51ST AV S

52ND AV S

S DAWSON ST

S MAYFLOWER ST

S BRANDON ST

S PAI ST



**Exhibit C
The Share Roll**

STREET IMPROVEMENT PROJECT OF WILSON AVENUE SOUTH ET AL, ALLEY
PAVING & DRAINAGE, CONSTRUCTED BY JOHN DEMCO, ACCEPTED BY THE
CITY AS COMPLETED: APRIL 18, 2001
FIFTEEN YEAR PERIOD ENDS: APRIL 18, 2016

Street Use Permit
SPU Vault Plan No.

W6332
885-88

Name of Owner	Description of Real Estate	Lot	Element	Reimbursement Share	Changes Ordered By Council
Account # 123100-0905-0 William J & Maria C. Moll 5200 Wilson Avenue South Seattle, WA 98118 c/o Dick Todhunter 10003 65th Ave. South Seattle, WA 98178	Block 8 Plat: Burke & Farrars Columbia Park Add Less ST	1,2,3	Alley Paving Storm Drain Prel. Deter. Etc. Total	\$ 5,852.56 \$ 1,200.00 \$ 733.33 \$ 7,785.89	\$ 7,785.89
Account # 123100-0920-0 Sam Furer 5111 South Dawson St Seattle, WA 98118 c/o PO Box 3284 Kent, WA 98032	Block 8 Plat: Burke & Farrars Columbia Park Add Less E 3.81 ft. of 5	4,5	Alley Paving Storm Drain Prel. Deter. Etc. Total	\$ 5,339.18 \$ 38,237.24 \$ 733.33 \$ 44,309.75	\$ 44,309.75
Account # 123100-0924-0 Furer Family 5117 South Dawson St. Seattle, WA 98118 c/o 1417 S. 262nd St. Kent, WA 98032	Block 8 Plat: Burke & Farrars Columbia Park Add E 3.81 ft of 5 & all 6	5,6	Alley Paving Storm Drain Prel. Deter. Etc. Total	\$ - \$ - \$ - \$ -	
Account # 123100-0935-0 Monte C. Morrow 5119 South Dawson St. Seattle, WA 98118	Block 8 Plat: Burke & Farrars Columbia Park Add Taxable portion partially ex	7	Alley Paving Storm Drain Prel. Deter. Etc. Total	\$ - \$ - \$ - \$ -	
Account # 123100-0940-0 Julie E. Beall 5125 South Dawson St. Seattle, WA 98118	Block 8 Plat: Burke & Farrars Columbia Park Add	8,9	Alley Paving Storm Drain Prel. Deter. Etc. Total	\$ - \$ - \$ - \$ -	
Account # 123100-0950-0 Hooman & Glenda Tajbakhsh 5131 South Dawson St. Seattle, WA 98118	Block 8 Plat: Burke & Farrars Columbia Park Add	10,11	Alley Paving Storm Drain Prel. Deter. Etc. Total	\$ - \$ - \$ - \$ -	
Account # 123100-0960-0 Jeffrey A. & Johnson 5215 52nd Avenue South Seattle, WA 98118 c/o D. R. Pirolo & J. A. Johnson	Block 8 Plat: Burke & Farrars Columbia Park Add	12,13	Alley Paving Storm Drain Prel. Deter. Etc. Total	\$ - \$ - \$ - \$ -	
Account # 123100-0965-0 Mayflower Properties, LLC c/o Jim Noland 3652 Francis Avenue N., Unit D Seattle, WA 98103 Property address: 5122 S. Mayflower St. Seattle, WA 98118	Block 8 Plat: Burke & Farrars Columbia Park Add	14, 15	Alley Paving Storm Drain Prel. Deter. Etc. Total	\$ - \$ 55,149.87 \$ - \$ 55,149.87	Pre Agreement Reimbursement Payment to John Demco in Jan 2002 No Dollars Due
Account 123100-0980-0 John W. Demco 5224 Wilson Avenue South Seattle, WA 98118	Block 8 Plat: Burke & Farrars Columbia Park Add 16 to 18 less ST & Por of 19 ELY	16,17,18	Alley Paving Storm Drain Prel. Deter. Etc. Total	\$ 9,138.21 \$ 65,444.51 \$ 733.34 \$ 75,316.06	Pre Agreement Payment by John Demco in 2001 No Dollars Due

1 Alley Pavement	\$ 20,329.94
2 Storm drain	\$ 60,031.62
Prel. Deter. Etc	\$ 2,200.00
	<u>\$ 182,561.56</u>

Revised: 1/28/2002

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**Exhibit C
The Share Roll**

STREET IMPROVEMENT PROJECT OF WILSON AVENUE SOUTH E1 A1, ALLEY
PAVING & DRAINAGE, CONSTRUCTED BY JOHN DEMCO, ACCEPTED BY THE
CITY AS COMPLETED: APRIL 18, 2001
FIFTEEN YEAR PERIOD ENDS: APRIL 18, 2016

Street Use Permit
SPU Vault Plan No.

W6332
885-88

Name of Owner	Description of Real Estate	Lot	Element	Reimbursement Share	Changes Ordered By Council
Account # 123100-0905-0 William J & Maria C. Moll 5200 Wilson Avenue South Seattle, WA 98118 c/o Dick Todhunter 10003 65th Ave. South Seattle, WA 98178	Block 8 Plat: Burke & Farrars Columbia Park Add Less ST	1,2,3	Alley Paving Storm Drain Prel. Deter. Etc. Total	\$ 5,852.56 \$ 1,200.00 \$ 733.33 \$ 7,785.89	\$ 7,785.89
Account # 123100-0920-0 Sam Furer 5111 South Dawson St Seattle, WA 98118 c/o PO Box 3284 Kent, WA 98032	Block 8 Plat: Burke & Farrars Columbia Park Add Less E 3.81 ft. of 5	4,5	Alley Paving Storm Drain Prel. Deter. Etc. Total	\$ 5,339.18 \$ 38,237.24 \$ 733.33 \$ 44,309.75	\$ 44,309.75
Account # 123100-0924-0 Furer Family 5117 South Dawson St. Seattle, WA 98118 c/o 1417 S. 262nd St. Kent, WA 98032	Block 8 Plat: Burke & Farrars Columbia Park Add E 3.81 ft of 5 & all 6	5,6	Alley Paving Storm Drain Prel. Deter. Etc. Total	\$ - \$ - \$ - \$ -	
Account # 123100-0935-0 Monte C. Morrow 5119 South Dawson St. Seattle, WA 98118	Block 8 Plat: Burke & Farrars Columbia Park Add Taxable portion partially ex	7	Alley Paving Storm Drain Prel. Deter. Etc. Total	\$ - \$ - \$ - \$ -	
Account # 123100-0940-0 Julie E. Beall 5125 South Dawson St. Seattle, WA 98118	Block 8 Plat: Burke & Farrars Columbia Park Add	8,9	Alley Paving Storm Drain Prel. Deter. Etc. Total	\$ - \$ - \$ - \$ -	
Account # 123100-0950-0 Hoaman & Glenda Tajbaksh 5131 South Dawson St. Seattle, WA 98118	Block 8 Plat: Burke & Farrars Columbia Park Add	10,11	Alley Paving Storm Drain Prel. Deter. Etc. Total	\$ - \$ - \$ - \$ -	
Account # 123100-0960-0 Jeffrey A. & Johnson 5215 52nd Avenue South Seattle, WA 98118 c/o D. R. Pirolo & J. A. Johnson	Block 8 Plat: Burke & Farrars Columbia Park Add	12,13	Alley Paving Storm Drain Prel. Deter. Etc. Total	\$ - \$ - \$ - \$ -	
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2 Storm drain \$ 160,031.62

Prel. Deter. Etc \$ 2,200.00

Revised:

1/28/2002

\$ 182,561.56 \$



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WHEREAS, John W. Demco is the owner of certain real property in the City of Seattle more particularly described as Lots 16-18, Block 8, Burke & Farrar's Columbia Park Addition to the City of Seattle, located at 5224 Wilson Avenue South; and

WHEREAS, in connection with the redevelopment of his property pursuant to Master Use Permit No. 9705105, John W. Demco was required, as a condition of obtaining the necessary permits, to make certain street improvements pursuant to Chapter 23.53 of the Land Use Code; which improvements benefit other parcels adjacent thereto and which would also be required as prerequisite to development of such adjacent properties; and

WHEREAS, RCW Chapter 35.72 authorizes agreements between cities and developers that provide for partial reimbursement of the costs of such street improvements to be made to the developer by other benefited properties under certain circumstances; and

WHEREAS, pursuant to RCW Chapter 35.72, the City formulated a preliminary assessment reimbursement area to include the parcels of real property adjacent to the street improvements and a preliminary determination of the reimbursement share applicable to each such parcel, and, by certified mail, sent the preliminary determination of the area boundaries and assessments to the property owners of record within the proposed assessment area along with the information that such property owners had the right to request in writing a public hearing before the City Council within 20 days of the mailing; and

WHEREAS, after receipt of several requests for a public hearing, notice of said hearing to be held on December 13, 2001 was sent to the property owners on November 30, 2001, and the hearing was duly held by the Transportation Committee of the City Council; after which the Committee determined that no adjustments to the final reimbursement shares should be made and recommended to the full Council that the assessment reimbursement agreement be authorized;
NOW, THEREFORE

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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1 Section 1. As requested by the Director of Transportation and recommended by the Mayor in the
2 attachments hereto, the Director of Transportation is hereby authorized to execute an assessment
3 reimbursement agreement, substantially in the form of Exhibit A hereto, with John W. Demco for
4 improvements to the alley in Block 8, Burke & Farrar's Columbia Park Addition to the City of Seattle
5 installed under Street Use Permit No. W6332. The agreement shall have a term not to exceed 15 years
6 from the date of the City's acceptance of the storm sewer and paving improvements.

7 Section 2. The boundaries of the assessment reimbursement area as shown on Exhibit B hereto
8 and the assessment shares as shown on Exhibit C hereto are hereby confirmed.

9 Section 3. Any act consistent with the authority and prior to the effective date of this ordinance
10 is hereby ratified and confirmed.

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1 Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its
2 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
3 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4 Passed by the City Council the ____ day of _____, 2001, and signed by me in open
5 session in authentication of its passage this ____ day of _____, 2001.

6
7 _____
8 President _____ of the City Council

9 Approved by me this ____ day of _____, 2001.

10 _____
11 Mayor

12 Filed by me this ____ day of _____, 2001.

13 _____
14 City Clerk

15 (Seal)

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18 Exhibit A: Assessment Reimbursement Agreement
19 Exhibit B: Map of Assessment Area
20 Exhibit C: Reimbursement Share Roll

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Exhibit A

After recording return document to:

City of Seattle
Department of Transportation
Attn: Donald Nelson
Street Use Section
600 Fourth Avenue, 5th floor
Seattle, WA 98104

Document Title: Assessment Reimbursement Agreement
Party of 1st Part: City of Seattle
Party of 2nd Part: John W. Demco
Legal Description: Alley in Block 8, Burke & Farrar's Columbia Park Addition to the City of Seattle, recorded in Vol. 18 of plats, page 25, Records of King County, Washington.
Additional Legal Descriptions are in Pages 6 and 8 of Document
Assessor's Tax Parcel Number: None Available - Public Alley

ASSESSMENT REIMBURSEMENT AGREEMENT

This Agreement, is made this day by and between The City of Seattle, a municipal corporation ("the City") and John W. Demco, his successors and assigns ("Owner").

WITNESSETH:

WHEREAS, Owner is the owner of certain real property in the City of Seattle more particularly described in Exhibit A, attached hereto and made a part of this Agreement by reference; and



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Columbia Park Addition to
25, Records of King

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alley

EMENT

City of Seattle, a municipal
and assigns ("Owner").

y in the City of Seattle more
a part of this Agreement by



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WHEREAS, Owner is developing his property pursuant to Master Use Permit No. 9705105, and is required by Chapter 23.53 of the Land Use Code to make certain street improvements; which improvements benefit other parcels adjacent thereto and which would also be required as prerequisite to development of such adjacent properties; and

WHEREAS, RCW Chapter 35.72 authorizes agreements between cities and developers that provide for partial reimbursement of the costs of such street improvements to be made to the developer by other benefited properties under certain circumstances; and

WHEREAS, pursuant to RCW Chapter 35.72, the City:

- (a) formulated a preliminary assessment area to include the parcels of real property adjacent to the street improvements and a preliminary reimbursement share applicable to each such parcel;
- (b) by certified mail forwarded the preliminary determination of area boundaries and assessments to the property owners of record within the proposed assessment area along with the information that such property owners had the right to request in writing a public hearing before the City Council within 20 days of the mailing; and
- (c) held a public hearing and thereafter made its final determination establishing the area assessment boundaries and the reimbursement share for each parcel therein, which will become binding upon owners of record within the assessment area when this Agreement is filed with the King County Office of Records and Elections; and

WHEREAS, Owner, at his own cost and expense, prepared plans and specifications, obtained Street Use Permit No. W6332 and installed street improvements consisting of a storm drain and pavement of the alley in Block 8, Burke & Farrar's Columbia Park Addition to the City of Seattle, all according to the plans filed with the



City under SPU Vault Plan 885-88, which improvements were accepted by the Department of Transportation as complete on April 18, 2001, all in accordance with the ordinance of the City and the conditions of said permit; NOW, THEREFORE;

It is hereby agreed as follows:

1. The City agrees that whenever it approves development plans on any parcel of real property within the assessment area boundaries which would have required installation of the street improvements constructed by Owner, it will impose as a condition to the development permit(s) the payment of the applicable reimbursement share for that parcel, without interest or adjustment for depreciation. The reimbursement shall be collected by the Director of Transportation and paid to the Department of Finance, and by it remitted to Owner. Owner shall keep his current address on file with the Director of Transportation.
2. The assessments that are subject to this Agreement shall be levied against the property within the assessment reimbursement area shown on Exhibit B attached hereto, in the amount calculated and shown on the assessment share roll, Exhibit C attached hereto, which Exhibits are made a part of this Agreement by reference.
3. The obligation of the City to impose and collect the reimbursements shares shall terminate on April 18, 2016, the last day of the fifteenth year following the date of acceptance by the Department of Transportation of the street improvements as complete.
4. The total amount to be reimbursed to Owner will not exceed \$ 107,428.84 after deduction of Owner's share. Owner acknowledges that there is no guarantee that the assessments will accrue and be paid during the period of this Agreement.
5. Notwithstanding any other provision, herein, the unintentional failure of



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the City to impose or collect any reimbursement share shall not give rise to a claim against the City for reimbursement, and Owner hereby waives all rights to proceed against the City on such a claim.

IN WITNESS WHEREOF, the City and Owner have executed this Agreement this _____ day of _____, 20__.

THE CITY OF SEATTLE

By: _____
Its Director of Transportation

Approved by Ordinance _____

OWNER

John W. Demco

Page 4 of 8 Pages



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STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this ____ day of _____, 2001, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____, known to me (or proved to me on the basis of satisfactory evidence) to be the Director of _____ of The City of Seattle, the municipal corporation named in and which executed the foregoing document, and stated on oath that he/she was authorized to execute the foregoing document on behalf of said municipal corporation and signed the same as the free and voluntary act and deed of said municipal corporation for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

Print Name: _____
NOTARY PUBLIC in and for the State
of Washington, residing at _____
My commission expires: _____

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act and deed for the uses and purposes mentioned in the instrument.

Date: _____

Print Name: _____
NOTARY PUBLIC in and for the State
of Washington, residing at _____
My commission expires _____



EXHIBIT B

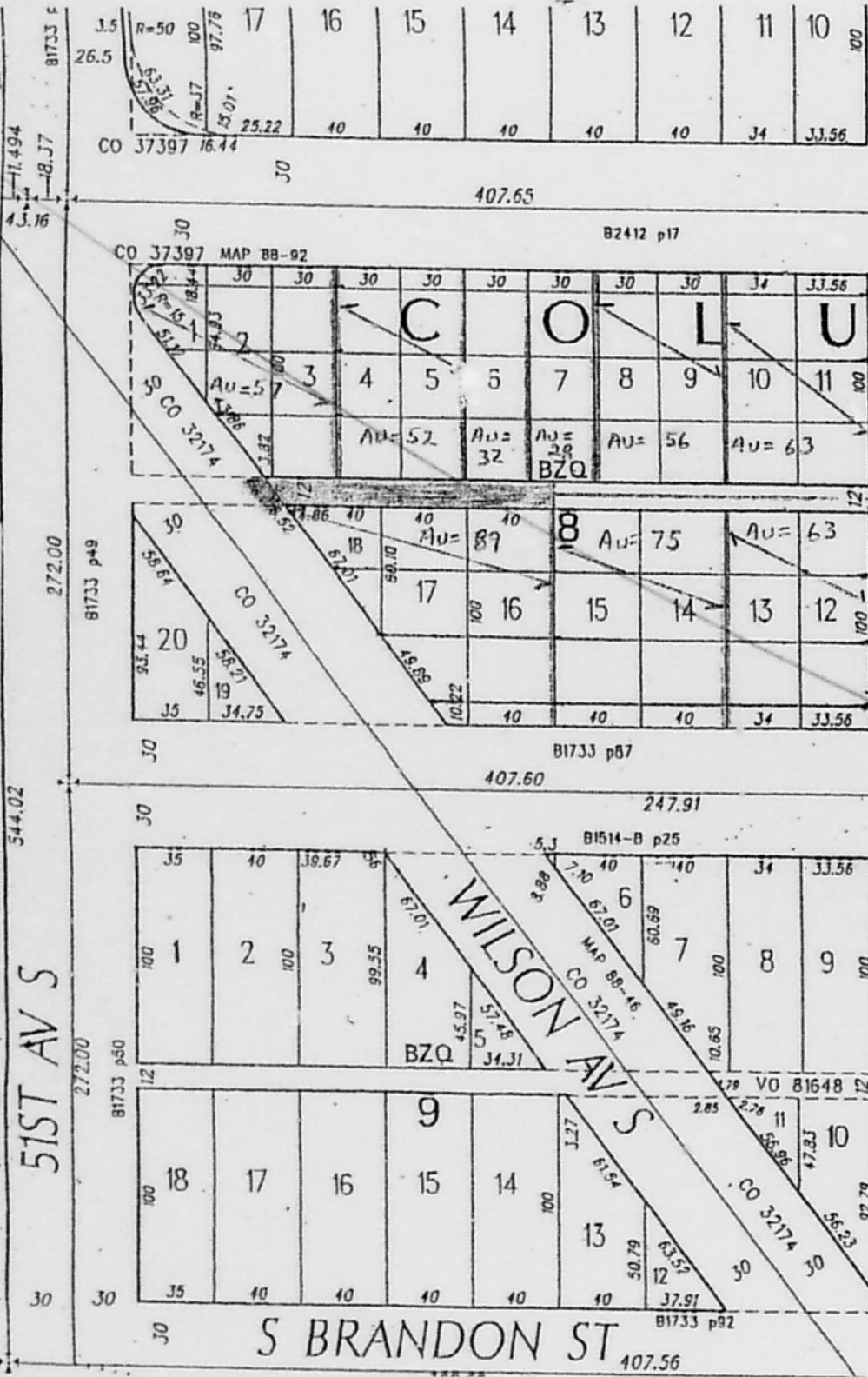


EXHIBIT C TO AGREEMENT
Share Roll

STREET IMPROVEMENT PROJECT OF WILSON AVENUE SOUTH ET AL, ALLEY
PAVING & DRAINAGE, CONSTRUCTED BY JOHN DEMCO, ACCEPTED BY THE
CITY AS COMPLETED: APRIL 18, 2001
FIFTEEN YEAR PERIOD ENDS: APRIL 18, 2016

Street Use Permit
SPU Vault Plan No.

W6332
885-88

Name of Owner	Description of Real Estate	Lot	Element	Reimbursement Share	Changes Ordered By Council
Account # 123100-0905-0 William J & Maria C. Moll 5200 Wilson Avenue South Seattle, WA 98118 c/o Dick Todhunter 10003 65th Ave. South Seattle, WA 98178	Block 8 Plat: Burke & Farrars Columbia Park Add Less ST	1,2,3	Alley Paving Storm Drain Prel. Deter. Etc.	\$ 5,852.56 \$ 1,200.00 \$ 550.00	
	57		Total	\$ 7,602.56	
Account # 123100-0920-0 Sam Furer 5111 South Dawson St Seattle, WA 98118 c/o PO Box 3284 Kent, WA 98032	Block 8 Plat: Burke & Farrars Columbia Park Add Less E 3.81 ft. of 5	4,5	Alley Paving Storm Drain Prel. Deter. Etc.	\$ 5,339.18 \$ 38,237.24 \$ 550.00	
	52		Total	\$ 44,126.42	
Account # 123100-0924-0 Furer Family 5117 South Dawson St. Seattle, WA 98118 c/o 1417 S. 262nd St. Kent, WA 98032	Block 8 Plat: Burke & Farrars Columbia Park Add E 3.81 ft of 5 & all 6	5,6	Alley Paving Storm Drain Prel. Deter. Etc.	\$ - \$ - \$ -	
	32		Total	\$ -	
Account # 123100-0935-0 Monte C. Morrow 5119 South Dawson St. Seattle, WA 98118	Block 8 Plat: Burke & Farrars Columbia Park Add Taxable portion partially ex	7	Alley Paving Storm Drain Prel. Deter. Etc.	\$ - \$ - \$ -	
	28		Total	\$ -	
Account # 123100-0940-0 Julie E. Beall 5125 South Dawson St. Seattle, WA 98118	Block 8 Plat: Burke & Farrars Columbia Park Add	8,9	Alley Paving Storm Drain Prel. Deter. Etc.	\$ - \$ - \$ -	
	56		Total	\$ -	
Account # 123100-0950-0 Hooman & Glenda Tajbaksh 5131 South Dawson St. Seattle, WA 98118	Block 8 Plat: Burke & Farrars Columbia Park Add	10,11	Alley Paving Storm Drain Prel. Deter. Etc.	\$ - \$ - \$ -	
	63		Total	\$ -	
Account # 123100-0960-0 Jeffrey A. & Johnson 5215 52nd Avenue South Seattle, WA 98118 c/o D. R. Pirolo & J. A. Johnson	Block 8 Plat: Burke & Farrars Columbia Park Add	12,13	Alley Paving Storm Drain Prel. Deter. Etc.	\$ - \$ - \$ -	
	63		Total	\$ -	
Account # 123100-0965-0 Mayflower Properties, LLC c/o Jim Noland 3652 Francis Avenue N., Unit D Seattle, WA 98103 Property address: 5122 S. Mayflower St. Seattle, WA 98118	Block 8 Plat: Burke & Farrars Columbia Park Add	14, 15	Alley Paving Storm Drain Prel. Deter. Etc.	\$ - \$ 55,149.87 \$ 550.00	
	75		Total	\$ 55,699.87	
Account 123100-0980-0 John W. Demco 5224 Wilson Avenue South Seattle, WA 98118	Block 3 Plat: Burke & Farrars Columbia Park Add 16 to 18 less ST & Por of 19 ELY	16,17,18	Alley Paving Storm Drain Prel. Deter. Etc.	\$ 9,138.21 \$ 65,444.51 \$ 550.00	
	89		Total	\$ 75,132.72	

1 Alley Pavement \$ 20,329.94
2 Storm drain \$ 160,031.62
Prel. Deter. Etc. \$ 2,200.00
Revised: 12/06/2001 \$ 182,561.56



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EXHIBIT C
Share Roll

STREET IMPROVEMENT PROJECT OF WILSON AVENUE SOUTH E1 A1, ALLEY
PAVING & DRAINAGE, CONSTRUCTED BY JOHN DEMCO, ACCEPTED BY THE
CITY AS COMPLETED APRIL 18, 2001
FIFTEEN YEAR PERIOD ENDS: APRIL 18, 2016

Street Use Permit
SPU Vault Plan No

W6332
885-88

Name of Owner	Description of Real Estate	Lot	Element	Reimbursement Share	Changes Ordered By Council
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Account # 123100-0920-0 Sam Furer 5111 South Dawson St Seattle, WA 98118 c/o PO Box 3284 Kent, WA 98032	Block 8 Plat: Burke & Farrars Columbia Park Add Less E 3.81 ft. of 5	4,5	Alley Paving Storm Drain Prel. Deter. Etc. Total	\$ 5,339.18 \$ 38,237.24 \$ 550.00 \$ 44,126.42	
Account # 123100-0924-0 Furer Family 5117 South Dawson St. Seattle, WA 98118 c/o 1417 S. 262nd St. Kent, WA 98032	Block 8 Plat: Burke & Farrars Columbia Park Add E 3.81 ft of 5 & all 6	5,6	Alley Paving Storm Drain Prel. Deter. Etc. Total	\$ - \$ - \$ - \$ -	
Account # 123100-0935-0 Monte C. Morrow 5119 South Dawson St. Seattle, WA 98118	Block 8 Plat: Burke & Farrars Columbia Park Add Taxable portion partially ex	7	Alley Paving Storm Drain Prel. Deter. Etc. Total	\$ - \$ - \$ - \$ -	
Account # 123100-0940-0 Julie E. Beall 5125 South Dawson St. Seattle, WA 98118	Block 8 Plat: Burke & Farrars Columbia Park Add	8,9	Alley Paving Storm Drain Prel. Deter. Etc. Total	\$ - \$ - \$ - \$ -	
Account # 123100-0950-0 Hooman & Glenda Tajbakhsh 5131 South Dawson St. Seattle, WA 98118	Block 8 Plat: Burke & Farrars Columbia Park Add	10,11	Alley Paving Storm Drain Prel. Deter. Etc. Total	\$ - \$ - \$ - \$ -	
Account # 123100-0960-0 Jeffrey A. & Johnson 5215 52nd Avenue South Seattle, WA 98118 c/o D. R. Pirolo & J. A. Johnson	Block 8 Plat: Burke & Farrars Columbia Park Add	12,13	Alley Paving Storm Drain Prel. Deter. Etc. Total	\$ - \$ - \$ - \$ -	
Account # 123100-0965-0 Mayflower Properties, LLC c/o Jim Noland 3652 Francis Avenue N., Unit D Seattle, WA 98103 Property address: 5122 S. Mayflower St. Seattle, WA 98118	Block 8 Plat: Burke & Farrars Columbia Park Add	14, 15	Alley Paving Storm Drain Prel. Deter. Etc. Total	\$ - \$ 55,149.87 \$ 550.00 \$ 55,699.87	
Account 123100-0980-0 John W. Demco 5224 Wilson Avenue South Seattle, WA 98118	Block 8 Plat: Burke & Farrars Columbia Park Add 16 to 18 less ST & Por of 19 ELY	16,17,18	Alley Paving Storm Drain Prel. Deter. Etc. Total	\$ 9,138.21 \$ 85,444.51 \$ 550.00 \$ 75,132.72	

1 Alley Pavement \$ 20,329.94
2 Storm drain \$ 160,031.62

Prel. Deter. Etc \$ 2,200.00

\$ 182,561.56

Revised: 12/06/2001

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**EXHIBIT B
TO AGREEMENT**

51ST AV S

544.02

81733 F

11.494
18.37
43.16

17	16	15	14	13	12	11	10
30	30	30	30	30	30	34	33.56
25.22	40	40	40	40	40	34	33.56

CO 37397 16.44 30 407.65

MAP 88-02										
2	3	4	5	6	7	8	9	10	11	12
30	30	30	30	30	30	30	30	34	33.56	30
30	30	30	30	30	30	30	30	34	33.56	30
30	30	30	30	30	30	30	30	34	33.56	30
30	30	30	30	30	30	30	30	34	33.56	30

17	16	15	14	13	12
30	30	30	30	30	34
30	30	30	30	30	34
30	30	30	30	30	34
30	30	30	30	30	34

CO 32174 407.60

1	2	3	4	5	6	7	8	9
30	30	30	30	30	30	30	30	34
30	30	30	30	30	30	30	30	34
30	30	30	30	30	30	30	30	34
30	30	30	30	30	30	30	30	34

18	17	16	15	14	13	12	11	10
30	30	30	30	30	30	30	30	34
30	30	30	30	30	30	30	30	34
30	30	30	30	30	30	30	30	34
30	30	30	30	30	30	30	30	34

CO 32174 407.56

S BRANDON ST

WILSON AV S

52ND AV S

26	25	24	23	22	21	20	1
30	30	30	30	30	30	30	30
30	30	30	30	30	30	30	30
30	30	30	30	30	30	30	30

S DAWSON ST

CO 37397 16.44 30 407.65

1	2	3	4	5	6	7	8	9	10
30	30	30	30	30	30	30	30	30	34
30	30	30	30	30	30	30	30	30	34
30	30	30	30	30	30	30	30	30	34
30	30	30	30	30	30	30	30	30	34

34	33	32	31	30	29	28	27	26
30	30	30	30	30	30	30	30	30
30	30	30	30	30	30	30	30	30
30	30	30	30	30	30	30	30	30

S MAYFLOWER ST

1	2	3	4	5	6	7
30	30	30	30	30	30	34
30	30	30	30	30	30	34
30	30	30	30	30	30	34
30	30	30	30	30	30	34

26	25	24	23	22	21	20	1
30	30	30	30	30	30	30	30
30	30	30	30	30	30	30	30
30	30	30	30	30	30	30	30

CO 37397 16.44 30 407.65




23	22	21	20	1
40	40	40	40	
				
WILSON ST				
574.03 558.86				
<small>B2412 p86</small>				
30	30	30	30	30
I	A			
5	6	7	8	9
BZQ				
7				
30	29	28	27	26
Page 7 of 8 Pages				
FLOWER ST				
57				
40	40	40	40	40
P	A			I
4	5	6	7	
BZQ				
10				
23	22	21	20	1
40	40	40	40	

EXHIBIT A TO AGREEMENT

STREET PROJECT IMPROVEMENT OF: PORTION OF ALLEY
 BETWEEN WILSON AVENUE SOUTH AND 52ND AVENUE SOUTH,
 IN BLOCK 8, BURKE & FARRAR'S COLUMBIA PARK ADDITION
 TO THE CITY OF SEATTLE
 CONSTRUCTED BY JOHN W. DEMCO
 ACCEPTED BY CITY AS COMPLETED APRIL 18, 2001
 FIFTEEN YEAR PERIOD ENDS: APRIL 18, 2016

STREET USE PERMIT W6332

Development of 2-Story Office/Retail Building with Basement
 Parking at 5224 Wilson Ave South

Lots 16-18, Block 8, Burke & Farrar's Columbia Park
 Addition to the City of Seattle, recorded in Vol. 18 of plats,
 page 25, Records of King County, Washington.



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STATE OF WASHINGTON - KING COUNTY

--SS.

141715
City of Seattle, Clerk's Office

No. 120724,23,22,21,19 ORDIN

Affidavit of Publication

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

CTOT:120724,

was published on

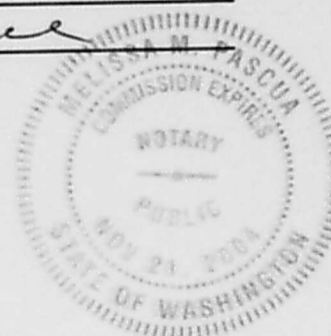
2/26/2002

J. Stedman
Subscribed and sworn to before me on

2/26/2002

Melissa M. Pascoe
Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



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State of Washington, King County

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on February 11, 2002, and published here by title only, will be mailed upon request, or can be accessed electronically at <http://clerk.ci.seattle.wa.us>. For further information, contact the Seattle City Clerk at 624-8344.

ORDINANCE NO. 120724

AN ORDINANCE accepting a gift from Mitsui O.S.K. Line of a storage container.

ORDINANCE NO. 120723

AN ORDINANCE relating to the City's Adopted 2002-2007 Capital Improvement Program; abandoning certain unspent appropriations, and reappropriating a portion of said funds.

ORDINANCE NO. 120723

AN ORDINANCE relating to the Police Department; authorizing a supplemental agreement with the Office of Juvenile Justice and Delinquency Prevention for financial assistance to continue the enhanced investigation and response to Internet crimes against children; increasing the 2002 Budget of the Police Department by making a non-reimbursable appropriation; abrogating a position; and extending a position; all by a three-fourths vote of the City Council.

ORDINANCE NO. 120721

AN ORDINANCE relating to the Police Department; authorizing a grant contract with the South Downtown Foundation for supplemental police services to improve the level of safety and the public perception of safety in the south downtown neighborhoods of Pioneer Square, Chinatown/International District and the North Duwamish; increasing the 2002 Budget of the Police Department by making a reimbursable appropriation; and creating two positions; all by a three-fourths vote of the City Council.

ORDINANCE NO. 120719

AN ORDINANCE relating to the installation of street improvements consisting of a storm sewer in and the regrading and paving of the alley in Block 8, Burke & Farrar's Columbia Park Addition to the City of Seattle, recorded in Vol. 18 of plats, page 25, Records of King County, Washington, authorizing the Director of Transportation to execute an assessment reimbursement agreement with the owner of Lots 16-18 in said Block 8 for the cost of said improvements, and determining the assessment reimbursement area and the pro rata shares of the adjacent properties benefited by the street improvements, and setting a period of fifteen years during which partial reimbursements from the benefited properties may be collected.

Publication ordered by JUDITH PIPPIN, City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, February, 26, 2002. 2/26(141716C1)

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