

87.C.46

Ordinance No. 109771

AN ORDINANCE relating to and amending Plat 80E, Page 188 of the Official Zoning Map of the City of Seattle, Ordinance 86300, to rezone certain property in Block 36 of Dunlap's Plat of Land on Lake Washington from Single Family Residence High Density (RS 5000) Zone to Multiple Residence Low Density (RM 500) Zone, and accepting a Property Use and Development Agreement in connection therewith. (C.F. 289840, Petition of Euel O. Atkinson).

3/10/81 - UD & H - PASS

COMPTROLLER
FILE NUMBER

Council Bill No. 102055

INTRODUCED FEB 02 1981	BY: EXECUTIVE REQUEST
REFERRED FEB 02 1981	TO: UD & H
REFERRED:	
REFERRED:	
REPORTED MAR 16 1981	SECOND READING MAR 16 1981
THIRD READING MAR 16 1981	SIGNED MAR 16 1981
PRESENTED TO MAYOR MAR 17 1981	APPROVED MAR 26 1981
RETD. TO CITY CLERK MAR 26 1981	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

ORDINANCE 109771

1
2
3 AN ORDINANCE relating to and amending Plat 80E, Page 188 of the
4 Official Zoning Map of the City of Seattle, Ordinance
5 86300, to rezone certain property in Block 26 of Dunlap's
6 Plat of Land on Lake Washington from Single Family Residence
High Density (RS 5000) Zone to Multiple Residence Low
Density (RM 500) Zone, and accepting a Property Use and
Development Agreement in connection therewith. (C.F. 289840,
Petition of Euel O. Atkinson).

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

8 Section 1. That Plat 80E, page 188 of the Official Zoning
9 Map of The City of Seattle, as adopted by Ordinance 86300, is
10 amended to rezone from Single Family Residence High Density
11 (RS 5000) Zone to Multiple Residence Low Density (RM 800) Zone
the following described real property:

12 The east 120 feet of the south 135 feet of
13 Block 26, Dunlap's Plat of Land on Lake
14 Washington, City of Seattle, King County,
Washington;

15 as shown on Exhibit "A", and the City Clerk is directed to place
16 a copy of said Exhibit "A" in a volume entitled "Zoning Map
Amendments," all as contemplated in C.F. 289840.

17 Section 2. That the Property Use and Development Agreement
18 which was submitted to the City by the owners of the property
19 described in Section 1 hereof, recorded in the records of the
20 Director of Records and Elections of King County, and filed in
21 C.F. 289840 by which the owners agree to certain restrictions
22 upon the use and development of the property to ameliorate the
23 adverse impact of uses and development otherwise permitted in
24 the RM 800 Zone upon private property in the vicinity, is hereby
25 accepted, and the City Clerk is hereby authorized and directed to
26 deliver copies of the same to the Director of Construction and
27 Land Use and the Community Development Director.
28

(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 16 day of March, 1981, and signed by me in open session in authentication of its passage this 16 day of March, 1981.

[Signature]
President of the City Council.

Approved by me this 26 day of March, 1981.

[Signature]
Mayor.

Filed by me this 26 day of March, 1981.

[Signature]
Attest: City Comptroller and City Clerk.

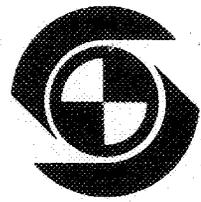
(SEAL)

Published.....

By *[Signature]*
Deputy Clerk.

Seattle Engineering Department

Charles Royer, Mayor
 Paul A. Wiatrak, City Engineer
 Member, Board of Public Works
 Room 910, Seattle Municipal Building, Seattle, Washington 98104



Letter of Transmittal

TO: Mr. Tim Hill, City Comptroller	DATE Feb. 25, 1981	JOB NO. R/W 8108
	RE: P.U.D.A. of Atkinson	
	C.F. 289840	
ATTN: Ms. Virginia Miller, Asst. City Clerk		

GENTLEMEN:

- WE ARE SENDING YOU ATTACHED UNDER SEPARATE COVER VIA _____ THE FOLLOWING ITEMS:
- SHOP DRAWINGS PRINTS REPRODUCIBLE PLANS SPECIFICATIONS
- COPY OF LETTER _____

Copies	Date	Number	DESCRIPTION AND REMARKS
			Recorded Property Use & Development Agreement
1			Recording No. 8102110555
			Please file with C.F. 289840, which pertains to that certain real property located in Block 26, Dunlap's Plat of Land on Lake Washington, City of Seattle, King County, Washington.

FILED
 FEB 26 1981
 COMPTROLLER AND CITY CLERK

THESE ARE TRANSMITTED AS CHECKED BELOW:

- | | | |
|---|--|---|
| <input type="checkbox"/> FOR APPROVAL | <input type="checkbox"/> APPROVED AS SUBMITTED | <input type="checkbox"/> RESUBMIT _____ COPIES FOR APPROVAL |
| <input type="checkbox"/> FOR YOUR USE | <input type="checkbox"/> APPROVED AS NOTED | <input type="checkbox"/> SUBMIT _____ COPIES FOR DISTRIBUTION |
| <input type="checkbox"/> AS REQUESTED | <input type="checkbox"/> RETURNED FOR CORRECTIONS | <input type="checkbox"/> RETURN _____ CORRECTED PRINTS |
| <input type="checkbox"/> FOR REVIEW AND COMMENT | <input checked="" type="checkbox"/> For filing _____ | <input type="checkbox"/> PRINTS RETURNED AFTER LOAN TO US |

COPIES TO:
 Acting Director, Constr. & Land Use
 Councilman Michael Hildt
 Director, DCD

Signed Deane Shannafelt
 Title DEANE SHANNAFELT
Title Examiner

810210555

8108
RECORDED THIS DAY
FEB 11 12 03 PM '11
BY THE DIVISION OF
RECORDS & ELECTIONS
KING COUNTY

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:

81/02/11 #0555 E
RECD F 5.00
CRSHSL ***5.00
11

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"):

The east 120 feet of the south 135 feet of Block 26, Dunlap's Plat of Land on Lake Washington, City of Seattle, King County, Washington

and

WHEREAS, a petition (C.F. 289840) was filed with the City to rezone the Property from Single Family Residence High Density (RS 5000) Zone to Multiple Residence Low Density (RM 800) Zone pursuant to the provisions of the Zoning Ordinance (86300) of the City of Seattle; and the Urban Development and Housing Committee recommended to the City Council that the petition be granted subject to the execution and recording of an agreement with the City pertaining to certain uses and development of the property in order to ameliorate the adverse impact of unrestricted use and development in an RM Zone;

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

1. That any use or development of the Property permitted in any zone more intensive than RS 5000 shall be subject to the following conditions:

1% EXCISE TAX NOT REQUIRED
King Co. Records Division
By E. Springer Deputy

8102110555

(1) The owner shall in good faith use his best efforts to acquire the RM Zone property adjacent to the subject property on the west in order to develop both properties as a unit and to provide vehicular access to the development from Renton Avenue South or South Barton Street, and not from 46th Avenue South. An application for a Master Use Permit to develop the property separate from the adjacent property shall not be entertained unless the owner establishes to the satisfaction of the Director of Construction and Land Use that such an effort has been made and has not been successful.

(2) If construction has not commenced within five years of the effective date of the rezone, the City Council may initiate proceedings to revoke the rezone without opposition from the Owners.

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 be binding upon the Owners, their heirs, successors and assigns, and shall apply to after-acquired title of the Owners of the Property.

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 amendments to the Zoning Ordinance 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 the BC Zone.

109771

ORDINANCE

AN ORDINANCE relating to and amending Plat 80E, Page 188 of the Official Zoning Map of the City of Seattle, Ordinance 86300, to rezone certain property in Block 26 of Dunlap's Plat of Land on Lake Washington from Single Family Residence High Density (RS 5000) Zone to Multiple Residence Low Density (RM 500) Zone, and accepting a Property Use and Development Agreement in connection therewith. (C.F. 289840, Petition of Euel O. Atkinson).

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Plat 80E, page 188 of the Official Zoning Map of The City of Seattle, as adopted by Ordinance 86300, is amended to rezone from Single Family Residence High Density (RS 5000) Zone to Multiple Residence Low Density (RM 800) Zone the following described real property:

The east 120 feet of the south 135 feet of Block 26, Dunlap's Plat of Land on Lake Washington, City of Seattle, 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. 289840.

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. 289840 by which the owners agree to certain restrictions upon the use and development of the property to ameliorate the adverse impact of uses and development otherwise permitted in the RM 800 Zone upon private property in the vicinity, is hereby accepted, and 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.

RECORDED THIS DAY

JUL 23 3 14 PM '91

BY THE DIVISION OF RECORDS & ELECTIONS KING COUNTY

8207230716

RECORDS NOTES: PORTIONS OF THIS DOCUMENT POOR QUALITY FOR FILMING

8207230716

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 16 day of March, 1981, and signed by me in open session in authentication of its passage this 16 day of March, 1981.

[Signature]
President of the City Council.

Approved by me this 26 day of March, 1981.

[Signature]
Mayor.

Filed by me this 26 day of March, 1981.

[Signature]
Attest: City Comptroller and City Clerk.

(SEAL)

Published

By *[Signature]*
Deputy Clerk.

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. 109771

was published on March 30, 1981

B. Blaw
Subscribed and sworn to before me on

March 30, 1981

Barbara C. Jones
Notary Public for the State of Washington,
residing in Seattle.

ORDINANCE 18871

AN ORDINANCE relating to and amending Plat 83E, Page 188 of the Official Zoning Map of the City of Seattle, Ordinance 46300, to rezone certain property in Block 25 of Dunlap's Plat of Land on Lake Washington from Single Family Residence High Density (RS 5000) Zone to Multiple Residence Low Density (RM 500) Zone, and accepting a Property Use and Development Agreement in connection therewith. (C.F. 229840, Petition of Euel O. Atkinson).

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Plat 83E, page 188 of the Official Zoning Map of The City of Seattle, as adopted by Ordinance 46300, is amended to rezone from Single Family Residence High Density (RS 5000) Zone to Multiple Residence Low Density (RM 500) Zone the following described real property:

The east 120 feet of the south 135 feet of Block 25, Dunlap's Plat of Land on Lake Washington, City of Seattle, 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. 229840.

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. 229840 by which the owners agree to certain restrictions upon the use and development of the property to ameliorate the adverse impact of uses and development otherwise permitted in the RM 500 Zone upon private property in the vicinity, is hereby accepted, and 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 16 day of March, 1981, and signed by me in open session in authentication of its passage this 16 day of March, 1981.

[Signature]
President of the City Council

Approved by me this 26 day of March, 1981.

[Signature]
Mayor

Filed by me this 26 day of March, 1981.

[Signature]
City Controller and City Clerk

(SEAL)

By *[Signature]*
Deputy Clerk

Publication ordered by TIM HILL, Comptroller and City Clerk.
Date of Official Publication in the Daily Journal of Commerce, Seattle, March 26, 1981. (C-738)

