

Ordinance No. 110037

AN ORDINANCE relating to and amending Plat 20W, Page 71 of the Official Zoning Map of The City of Seattle (page 24-290 of the Seattle Municipal Code) to rezone certain property located on both sides of 25th Avenue West from a point one hundred feet south of West Thurman Street to Emerson Street from Single Family Residence High Density (RS 5000) Zone to Duplex Residence High Density (RD 5000) Zone and accepting a Property Use and Development Agreement in connection therewith (Petition of Steve Skony; C.F. 289690).

7/28/81 - U.D.H. - PASS

COMPTROLLER
FILE NUMBER 289690

Council Bill No. 102265

INTRODUCED MAY 04 1981	BY: _____
REFERRED MAY 04 1981	TO: URBAN DEVELOPMENT & HOUSING
REFERRED:	
REFERRED:	
REPORTED: AUG 03 1981	SECOND READING: AUG 03 1981
THIRD READING: AUG 03 1981	SIGNED: AUG 03 1981
PRESENTED TO MAYOR: AUG 04 1981	APPROVED: AUG 13 1981
REC'D BY CITY CLERK JG FRY 1981	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

ORDINANCE 110037

1
2
3 AN ORDINANCE relating to and amending Plat 20W, Page 71 of
4 the Official Zoning Map of The City of Seattle
5 (page 24-290 of the Seattle Municipal Code) to rezone
6 certain property located on both sides of 25th Avenue
7 West from a point one hundred feet south of West Thurman
8 Street to Emerson Street from Single Family Residence
9 High Density (RS 5000) Zone to Duplex Residence High
10 Density (RD 5000) Zone and accepting a Property Use and
11 Development Agreement in connection therewith (Petition
12 of Steve Skony; C.F. 289690).

13
14 WHEREAS, a petition having been filed (C.F. 289690) with the
15 City to rezone certain property in Blocks 7 and 11, The
16 Baker Addition to The City of Seattle from Single
17 Family Residence High Density (RS 5000) Zone to Duplex
18 Residence High Density (RD 5000) Zone, pursuant to the
19 provisions of Chapter 24.72 of the Seattle Municipal
20 Code, the Director of Construction and Land Use having
21 recommended on October 2, 1980, that the petition be
22 granted with certain contract restrictions, and the
23 Hearing Examiner having conducted a hearing on the
24 matter (File No. X-80-250) and having recommended on
25 November 3, 1980, that the petition be denied without
26 prejudice; and

27
28 WHEREAS, the Urban Development and Housing Committee of the
City Council having examined the record of the petition,
including the Report of the Director of Construction
and Land Use, the transcript of the hearing before the
Hearing Examiner, the Hearing Examiner's Findings and
Conclusions, the petitioner's appeal and responses to
the appeal, having viewed the subject property on April
7, 1981, and having come to conclusions contrary in
part to those of the Hearing Examiner based on the
record and having recommended on the basis of those
conclusions that the subject property be rezoned from
Single Family Residence High Density (RS 5000) Zone to
Duplex Residence High Density (RS 5000) Zone subject to
certain terms and conditions; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Plat 20W, Page 71 of the Official
Zoning Map of The City of Seattle, as adopted by Ordinance
86300 (page 24-290 of the Seattle Municipal Code), is amended
to rezone from Single Family Residence High Density (RS 5000)
Zone to Duplex Residence High Density (RD 5000) Zone the
following described real property:

Lots 13 through 22, Block 7 and Lots 3 through 12,
Block 11, The Baker Addition to the City of Seattle,
King County, Washington.

1 as shown on Exhibit "A", and the City Clerk is directed to
2 place a copy of said Exhibit "A" in a volume entitled "Zoning
3 Map Amendments", all as contemplated in C.F. 289690.

4 Section 2. That the Property Use and Development
5 Agreement which was submitted to the City by the owners of
6 the property described in Section 1 hereof, except for Lot
7 4, Block 11, the Baker Addition to the City of Seattle, King
8 County, Washington, recorded in the records of the Director
9 of Records and Elections of King County, and filed in C.F.
10 289690 by which said owners agree to certain restrictions
11 upon the use and development of said property to ameliorate
12 the adverse impact of uses and development otherwise permitted
13 in the Duplex Residence High Density (RD 5000) Zone upon
14 private property in the vicinity, is hereby accepted, and
15 the City Clerk is hereby authorized and directed to deliver
16 copies of the same to the Director of Construction and Land
17 Use and the Community Development Director. The City Council
18 hereby finds that the inclusion of said Lot 4 is not essential
19 to the implementation of the restrictions imposed by the
20 Property Use and Development Agreement.
21
22
23
24
25
26
27
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 3rd day of AUGUST, 1981, and signed by me in open session in authentication of its passage this 3rd day of August, 1981.

[Signature]
President of the City Council.

Approved by me this 13th day of August, 1981.

[Signature]
Mayor.

Filed by me this 13 day of August, 1981.

Attest: *[Signature]*
City Comptroller and City Clerk.

(SEAL)

Published.....

By: *[Signature]*
Deputy Clerk.

81/06/25 #0698 E
RECD F 11.00
CASHSL ***11.00
22

PROPERTY USE AND DEVELOPMENT AGREEMENT

8106250698

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"):

11.00

W I T N E S S E T H :

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

Lots 14, 16 through 22, Block 7 and
Lots 3 through 12, Block 11, all in
The Baker Addition to The City of
Seattle, King County, Washington.

RECORDED THIS DAY
JUN 25 2 23 PM '81
BY THE CLERK OF
RECORDS & ELECTIONS
KING COUNTY

and,

WHEREAS, a petition (C.F. 289690) was filed with the City to rezone the Property from Single Family Residence High Density (RS 5000) Zone to Duplex Residence High Density (RD 5000) Zone pursuant to the provisions of the Zoning Regulations of the Seattle Municipal Code, Title 24 (Ordinance 86300); 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 RD 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 RD 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:

Property Use and Development Agreement - page 2

- 8106250698
- (1) The development shall be limited to a maximum of thirty-six townhouses on the sixteen lots, as proposed by the applicant, and further, that the remaining two developable lots shall be limited to development equivalent to one dwelling unit per 2500 square feet of lot area.
 - (2) The storm water drainage system provided by the development shall exceed the minimum requirements of the Drainage Control provisions of the Seattle Municipal Code (Ch. 22.802) by requiring a slower rate of discharge of retained waters which is at least equivalent to the anticipated increase in sanitary flow from the number of units permitted by the rezone.
 - (3) A soils report addressing soil stability and drainage issues shall be required with building plans for this project, and the developer shall be required to comply with the recommendations of that soils evaluation as required by the structural engineer.
 - (4) 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 RD Zone.
 4. This Agreement is made for the benefit of the City and for the benefit of owners of property within 300 feet of the Property, and either the City or any such property

Property Use and Development Agreement - Page 3

owner may institute and prosecute any proceeding at law or in equity to enforce this Agreement.

5. It is further expressly agreed that in the event any covenant 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.

OWNERS

IDA M. LARSEN

LORNA WELCH ROGERS

Christina Rose Malm

CHRISTINA ROSE MALM

CLIFFORD F. MALM, Individually and as guardian

SYLVESTER P. MARTIN

IRENE MALM, Individually and as guardian

VERNIE MARTIN

JAMES C. GERRISH

PERRY I. BUCHANAN

BEULAH S. GERRISH

FRANCES BUCHANAN

STEPHEN A. SKONY

WENDY J. SKONY

STATE OF WASHINGTON) ss.
COUNTY OF _____)

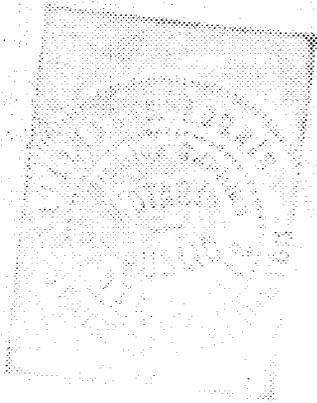
On this 27th day of May, 1981, before me personally appeared CHRISTINA ROSE MALM to me known to be the individual described in, and who executed the within instrument, and acknowledged that she signed the same as Her free and voluntary act and deed for the uses and purposes therein mentioned.

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

Lillian S. Loomis

Notary Public in and for the State of Washington, residing at Bellingham

8106250698



Property Use and Development Agreement - Page 3-a

owner may institute and prosecute any proceeding at law or in equity to enforce this Agreement.

5. It is further expressly agreed that in the event any covenant 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.

OWNERS

IDA M. LARSEN

LORNA WELCH ROGERS

CHRISTINA ROSE MALM

CLIFFORD F. MALM, Individually and as guardian

SYLVESTER P. MARTIN

IRENE MALM, Individually and as guardian

VERNIE MARTIN

James C. Gerrish TRUSTEE*

JAMES C. GERRISH

PERRY I. BUCHANAN

Beulah S. Gerrish

BEULAH S. GERRISH

FRANCES BUCHANAN

STEPHEN A. SKONY

WENDY J. SKONY

*TRUSTEES FOR ASSOCIATED INVESTMENT CO.

STATE OF WASHINGTON) ss.
COUNTY OF KING)

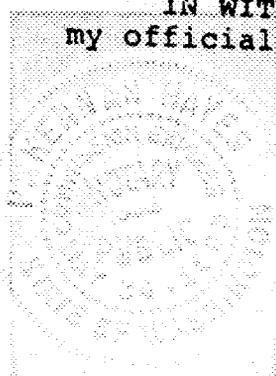
On this 23rd day of June, 1981, before me personally appeared JAMES C. + BEULAH S. GERRISH, to me known to be the individuals described in, and who executed the within instrument, and acknowledged that THEY signed the same as THEIR free and voluntary act and deed for the uses and purposes therein mentioned.

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

[Signature]

Notary Public in and for the State of Washington, residing at
Seattle

8106250698



Property Use and Development Agreement - Page 3-b

owner may institute and prosecute any proceeding at law or in equity to enforce this Agreement.

5. It is further expressly agreed that in the event any covenant 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.

OWNERS

deceased 1964 (Sub)
IDA M. LARSEN

Lorna Welch Rogers
LORNA WELCH ROGERS

CHRISTINA ROSE MALM

CLIFFORD F. MALM, Individually and as guardian

SYLVESTER P. MARTIN

IRENE MALM, Individually and as guardian

VERNIE MARTIN

JAMES C. GERRISH

PERRY I. BUCHANAN

BEULAH S. GERRISH

FRANCES BUCHANAN

STEPHEN A. SKONY

WENDY J. SKONY

STATE OF WASHINGTON) ss.
COUNTY OF King)

On this 28th day of May, 1981, before me personally appeared Lorna E. Rogers, to me known to be the individual described in, and who executed the within instrument, and acknowledged that she signed the same as her free and voluntary act and deed for the uses and purposes therein mentioned.

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

[Signature]
Notary Public in and for the State of Washington, residing at Seattle

8106250698

Property Use and Development Agreement - Page 3-c

owner may institute and prosecute any proceeding at law or in equity to enforce this Agreement.

5. It is further expressly agreed that in the event any covenant 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.

OWNERS

IDA M. LARSEN

LORNA WELCH ROGERS

CHRISTINA ROSE MALM

Clifford F. Malm

CLIFFORD F. MALM, Individually and as guardian

Deceased 1970 V.M.

SYLVESTER P. MARTIN

Irene Malm

IRENE MALM, Individually and as guardian

Vernie Martin

VERNIE MARTIN

JAMES C. GERRISH

PERRY I. BUCHANAN

BEULAH S. GERRISH

FRANCES BUCHANAN

STEPHEN A. SKONY

WENDY J. SKONY

STATE OF WASHINGTON)
COUNTY OF KING) ss.

On this 2nd day of June, 1981, before me personally appeared Vernie Martin, to me known to be the individual described in, and who executed the within instrument, and acknowledged that she signed the same as her free and voluntary act and deed for the uses and purposes therein mentioned.

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

Eileen D. Bryant
Notary Public in and for the State
of Washington, residing at
Seattle

8106250698

STATE OF WASHINGTON) ss.
COUNTY OF KING)

On this 2nd day of JUNE, 1981, before me personally appeared CLIFFORD E MALM, to me known to be the individual described in, and who executed the within instrument, and acknowledged that HE signed the same as HIS free and voluntary act and deed for the uses and purposes therein mentioned.

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

[Signature]
Notary Public in and for the State of Washington, residing at REDMOND

STATE OF WASHINGTON) ss.
COUNTY OF KING)

On this 2nd day of JUNE, 1981, before me personally appeared IRENE MALM, to me known to be the individual described in, and who executed the within instrument, and acknowledged that SHE signed the same as HER free and voluntary act and deed for the uses and purposes therein mentioned.

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

[Signature]
Notary Public in and for the State of Washington, residing at REDMOND

STATE OF WASHINGTON) ss.
COUNTY OF)

On this _____ day of _____, 19____, before me personally appeared _____, to me known to be the individual described in, and who executed the within instrument, and acknowledged that _____ signed the same as _____ free and voluntary act and deed for the uses and purposes therein mentioned.

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

Notary Public in and for the State of Washington, residing at _____

STATE OF WASHINGTON) ss.
COUNTY OF)

On this _____ day of _____, 19____, before me personally appeared _____, to me known to be the individual described in, and who executed the within instrument, and acknowledged that _____ signed the same as _____ free and voluntary act and deed for the uses and purposes therein mentioned.

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

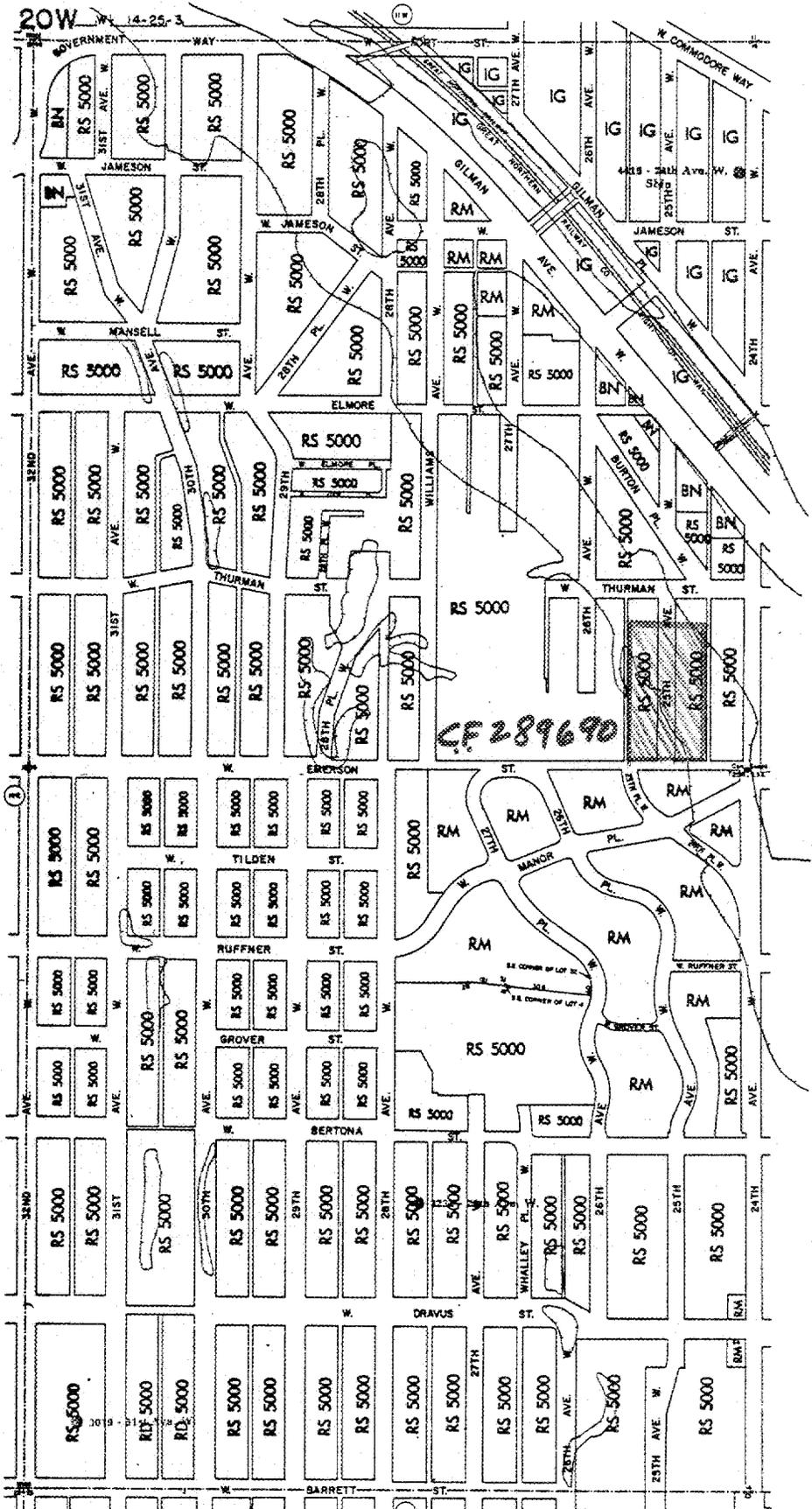
Notary Public in and for the State of Washington, residing at _____

8106250698

EXHIBIT "A"

LEGEND

- RS 9600- Single Family Residence Low Density Zone.
- RS 7200- Single Family Residence Medium Density Zone.
- RS 5000- Single Family Residence High Density Zone.
- RW- Residence Waterfront Zone.
- RD 7200- Duplex Residence Medium Density Zone.
- RD 5000- Duplex Residence High Density Zone.
- RM 1600- Multiple Residence Low Density Zone.
- RM- Multiple Residence Low Density Zone.
- RMH 350- Multiple Residence High Density Zone.
- RMV 200- Multiple Residence High Density Variable Height Zone.
- RMV 150- Multiple Residence Highest Density Variable Height Zone.
- RM-MD- Multiple Residence Mixed Density Zone.
- BN- Neighborhood Business Zone.
- BI- Intermediate Business Zone.
- BC- Community Business Zone.
- BM- Metropolitan Business Zone.
- CM- Metropolitan Commercial Zone.
- CMT- Metropolitan Commercial Zone Temporary.
- CG- General Commercial Zone.
- M- Manufacturing Zone.
- IG- General Industrial Zone.
- IH- Heavy Industrial Zone.



The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported
and Adopted

Your Committee on *Urban Development & Housing*

AUG 3 1981

to which was referred

C.B. 102265

Relating to and amending Plat 20W, Page 71 of the Official Zoning Map of The City of Seattle (page 24-290 of the Seattle Municipal Code) to rezone certain property located on both sides of 25th Avenue West from a point one hundred feet south of West Thurman Street to Emerson Street from Single Family Residence High Density (RS 5000) Zone to Duplex Residence High Density (RD 5000) Zone and accepting a Property Use and Development Agreement in connection therewith (Petition of Steve Skony; C.F. 289690).

..... Chairman

..... Chairman

..... Committee

..... Committee

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. 110037

.....
was published on August 22, 1981

.....
Subscribed and sworn to before me on
August 22, 1981

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

ORDINANCE 1987

AN ORDINANCE relating to and amending Plat 200, Page 71 of the Official Zoning Map of The City of Seattle (page 24-290 of the Seattle Municipal Code) to rezone certain property located on both sides of 25th Avenue West from a point one hundred feet south of West Thurman Street to Emerson Street from Single Family Residence High Density (RS 5000) Zone to Duplex Residence High Density (RD 5000) Zone and accepting a Property Use and Development Agreement in connection therewith (Petition of Steve Stony, C.F. 289690).

WHEREAS, a petition having been filed (C.F. 289690) with the City to rezone certain property in Blocks 7 and 11, The Baker Addition to The City of Seattle from Single Family Residence High Density (RS 5000) Zone to Duplex Residence High Density (RD 5000) Zone, pursuant to the provisions of Chapter 24.72 of the Seattle Municipal Code, the Director of Construction and Land Use having recommended on October 2, 1980, that the petition be granted with certain contract restrictions, and the Hearing Examiner having conducted a hearing on the matter (File No. X-80-258) and having recommended on November 3, 1980, that the petition be denied without prejudice; and

WHEREAS, the Urban Development and Housing Committee of the City Council having examined the record of the petition, including the Report of the Director of Construction and Land Use, the transcript of the hearing before the Hearing Examiner, the Hearing Examiner's Findings and Conclusions, the petitioner's appeal and responses to the appeal, having viewed the subject property on April 7, 1981, and having come to conclusions contrary in part to those of the Hearing Examiner based on the record and having recommended on the basis of those conclusions that the subject property be rezoned from Single Family Residence High Density (RS 5000) Zone to Duplex Residence High Density (RD 5000) Zone subject to certain terms and conditions; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Plat 200, Page 71 of the Official Zoning Map of The City of Seattle, as adopted by Ordinance 26300 (page 24-290 of the Seattle Municipal Code), is amended to rezone from Single Family Residence High Density (RS 5000) Zone to Duplex Residence High Density (RD 5000) Zone the following described real property:

Lots 11 through 22, Block 7 and Lots 3 through 12, Block 11, The Baker Addition to the 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. 289690.

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, except for Lot 4, Block 11, the Baker Addition to the City of Seattle, King County, Washington, recorded in the records of the Director of Records and Elections of King County, and filed in C.F. 289690 by which said owners agree to certain restrictions upon the use and development of said property to ameliorate the adverse impact of uses and development otherwise permitted in the Duplex Residence High Density (RD 5000) 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. The City Council hereby finds that the inclusion of said Lot 4 is not essential to the implementation of the restrictions imposed by the Property Use and Development Agreement.

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

Passed by the City Council the 30th day of August, 1981, and signed by me in open session in authentication of its passage this 31st day of August, 1981.

Approved by me this 13th day of August, 1981.

Filed by me this 13 day of August, 1981.

Attest: Jim Hill, Mayor and City Clerk.

By: Steve Stony, Deputy Clerk.

(SEAL)