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ORDINANCE No. 112788

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COUNCIL BILL No. 105426

Eric De...

The City of

AN ORDINANCE relating to Land Use and Zoning; amending Plat 232E, Page 25 of the Official Land Use Map to rezone property located at 1810 North 103rd Street from Residential Single Family (SF 7200) Zone to Multi-Family Residential Low Rise 3 (L-3) Zone on the eastern portion of the lot and Multi-Family Residential Low Rise 2 (L-2) Zone on the western portion of the lot, and accepting a Property Use and Development Agreement in connection therewith. (Petition of Mylo Charleston; C.F. 293916.)

Honorable President:

Your Committee on Land Use

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

The same is

Vote

COMPTROLLER FILE No. 293916

Introduced: MAR 24 1986	By: <u>Land Use Committee</u>
Referred: MAR 24 1986	To: <u>Land Use</u>
Referred:	To:
Referred:	To:
Reported: APR 7 1986	Second Reading: APR 7 1986
Third Reading: APR 7 1986	Signed: APR 7 1986
Presented to Mayor: APR 8 1986	Approved: APR 15 1986
Returned to City Clerk: APR 15 1986	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained: <u>NO</u>

REC'D CIVIC APR 05 1986

Legis Department

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

President:

Committee on

Land Use

referred the within Council Bill No.

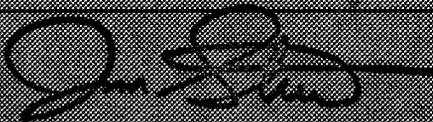
105426

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

Same (do) Pass (3-0)

4/1/86

Vote 9-0



Committee Chair

ORDINANCE 112788

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3 AN ORDINANCE relating to Land Use and Zoning; amending Plat
4 232E, Page 25 of the Official Land Use Map to rezone pro-
5 perty located at 1810 North 103rd Street from Residential
6 Single Family (SF 7200) Zone to Multi-Family Residential
7 Low Rise 3 (L-3) Zone on the eastern portion of the lot
8 and Multi-Family Residential Low Rise 2 (L-2) Zone on the
9 western portion of the lot, and accepting a Property Use
10 and Development Agreement in connection therewith.
11 (Petition of Mylo Charleston; C.F. 293916.)

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

13 Section 1. That Plat 232E, Page 25 of the Official Land
14 Use Map adopted by Ordinance 110669 is amended to rezone the
15 following property:

16 The West 100 feet of the East 300 feet of
17 Tract 6, except for the West 50 feet
18 thereof and the West 100 feet of the East
19 300 feet of Tract 7, except for the West
20 50 feet thereof, all in Meridian Avenue
21 Acres, according to the plat thereof
22 recorded in Volume 24 of Plats, page 50,
23 in the King County Courthouse, King
24 County, Seattle, Washington,

25 from Residential Single Family (SF 7200) to Multi-Family
26 Residential Low Rise 3 (L-3) Zone; and to rezone the following
27 property:

28 The West 100 feet of the East 300 feet of
Tract 6, except for the East 50 feet
thereof and the West 100 feet of the East
300 feet of Tract 7, except for the East
50 feet thereof, all in Meridian Avenue
Acres, according to the plat thereof
recorded in Volume 24 of Plats, page 50,
in the King County Courthouse, King
County, Seattle, Washington,

from Residential Single Family (SF 7200) to Mutli-Family
Residential Low Rise 2 (L-2) Zone; all 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. 293916.

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

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records of the Director of Records and Elections of King County and filed in C.F. 293916 by which said owners agree to certain restrictions on the property to ameliorate the adverse impact of uses and development otherwise permitted in the Multi-Family Residential Low Rise 2 and 3 (L-2, L-3) Zones 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 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 7th day of April, 1986,
and signed by me in open session in authentication of its passage this 7th day of April, 1986.

[Handwritten signature]
President of the City Council.

Approved by me this 15th day of April, 1986.
Mayor.

[Handwritten signature]
Mayor.

Filed by me this 15th day of April, 1986.

[Handwritten signature]
Norward J. Brooks

Attest: _____
City Comptroller and City Clerk.

(SEAL)

Published _____

By *[Handwritten signature]*
Deputy Clerk.

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

RW 8619

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"):

WITNESSETH:

WHEREAS, Owners are persons owning a fee simple and/or having a substantial beneficial interest in the following described properties, labeled Tract A and Tract B (herein called the "Property"):

Tract A

The West 100 feet of the East 300 feet of Tract 6, except for the West 50 feet thereof and the West 100 feet of the East 300 feet of Tract 7, except for the West 50 feet thereof, all in Meridian Avenue Acres, according to the plat thereof recorded in Volume 24 of Plats, page 50, in King County Courthouse, King County, Seattle, Washington.

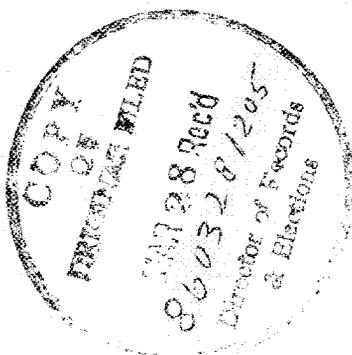
Tract B

The West 100 feet of the East 300 feet of Tract 6, except for the East 50 feet thereof and the West 100 feet of the East 300 feet of Tract 7, except for the East 50 feet thereof, all in Meridian Avenue Acres, according to the plat thereof recorded in Volume 24 of Plats, page 50, in the King County Courthouse, King County, Seattle, Washington, and

WHEREAS, owners have filed a petition (C.F. 293916) with the City to rezone the Property labeled Tracts A and B from Residential Single Family (SF 7200) to Multi-Family Residential Low Rise 3 (L-3) 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 grading, drainage and fire service.

COPY



WHEREAS, the Land Use Committee recommended to the City Council that Tract A of the Property be rezoned to the Multi-Family Residential Low Rise 3 (L-3) Zone and that Tract B of the Property be rezoned to the Multi-Family Residential Low Rise 2 (L-2) Zone subject to the execution and recording of an agreement with the City pertaining to the use and development of the Property, imposing grading, drainage and fire service conditions in order to ameliorate the adverse impact of unrestricted use and development of property in a L-3 or L-2 Zone;

NOW, THEREFORE, the Owners hereby covenant, bargain and agree on behalf of themselves and their heirs, successors and assigns that they will comply with the following conditions if Tract A is rezoned to an L-3 Zone and Tract B is rezoned to an L-2 Zone classification:

Section 1. Development of the Property shall be accomplished in accordance with the following conditions relating to grading, drainage and fire service.

- A. Because the area involved is adjacent to a non-curbed roadway, the Owners must grade from the existing pavement edge to the property line, as provided in a "Building Grade Sheet," which will show the final elevation, and which must be signed and approved by the Seattle Director of Engineering or his designee.
- B. A Drainage Control Plan, including a method for water detention shall be provided by Owner for improvement of the parcel. The Drainage Control Plan shall demonstrate the Owner's plan for collecting, controlling, transporting and disposing of storm water falling upon, entering, flowing within, and exiting the subject property. Said plan

must be reviewed and approved by the
Director of Engineering or his designee.

- C. A fire service no protest agreement must be
filed with the Seattle Water Department.

Section 2. This Property Use and Development Agreement
(hereafter "Agreement") shall be recorded in the records of
King County and the covenants hereof shall be deemed to attach
to and run with the Property and shall apply to afteracquired
title of the Owners of the Property; provided that the
covenants hereof shall expire and be of no force and effect
two years from the effective date of the approval of this
rezone if the Owners fail to satisfy the requirement of Sec-
tion 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 amend-
ment 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 L-3 or an L-2 Zone.

Section 4. This Agreement is made for the benefit of the
City and for the benefit of owners of the property within 300
feet of the Property, and either the City or any such property
owner may institute and prosecute any proceeding at law or in
equity to enforce this Agreement.

Section 5. It is further expressly agreed that in the
event or condition or restriction hereinabove contained or any
portion thereof is invalid or void, such invalidity or

COPY

voidness shall in no way affect any other covenant, condition or restriction hereinabove contained.

DATED this 25 day of March, 1986.

OWNER:

By Thomas R. Kemmish
THOMAS KEMMISH

By Mylo Charlston
MYLO CHARLSTON

By Patricia Kemmish
PATRICIA KEMMISH

By Marion Charlston
MARION CHARLSTON

By James B. Rose
JAMES B. ROSE

By Margaret L. Rose
MARGARET L. ROSE

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that MYLO CHARLSTON and MARION CHARLSTON signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: 3-27-86

Suzette Ann Macey
NOTARY PUBLIC in and for the state
of Washington, residing at Seahurst.
My appointment expires 9-19-88.

STATE OF WASHINGTON)
) ss.
COUNTY OF KING suohomish

COPY

I certify that I know or have satisfactory evidence that THOMAS KEMMISH and PATRICIA KEMMISH signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: 3/27/86

Lynette A. Laney
NOTARY PUBLIC in and for the state
of Washington, residing at Edmonds.
My appointment expires 6/1/87.

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that JAMES B. ROSE and MARGARET L. ROSE signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: 26 MAR 1988

Michael L. Lee
NOTARY PUBLIC in and for the state
of Washington, residing at SEATTLE.
My appointment expires MAR 30, 1988

RECEIVED: rih DAY
3/19/86

APR 16 2 52 PM '86
BY THE DIVISION OF
RECORDS & ELECTIONS
KING COUNTY

86/04/16 #0889 D
RECD F 7.00
CASHSL *****7.00
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ORDINANCE 112788

8604160889

AN ORDINANCE relating to Land Use and Zoning; amending Plat 232E, Page 25 of the Official Land Use Map to rezone property located at 1810 North 103rd Street from Residential Single Family (SF 7200) Zone to Multi-Family Residential Low Rise 3 (L-3) Zone on the eastern portion of the lot and Multi-Family Residential Low Rise 2 (L-2) Zone on the western portion of the lot, and accepting a Property Use and Development Agreement in connection therewith. (Petition of Mylo Charleston; C.F. 293916.)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Plat 232E, Page 25 of the Official Land Use Map adopted by Ordinance 110669 is amended to rezone the following property:

The West 100 feet of the East 300 feet of Tract 6, except for the West 50 feet thereof and the West 100 feet of the East 300 feet of Tract 7, except for the West 50 feet thereof, all in Meridian Avenue Acres, according to the plat thereof recorded in Volume 24 of Plats, page 50, in the King County Courthouse, King County, Seattle, Washington,

from Residential Single Family (SF 7200) to Multi-Family Residential Low Rise 3 (L-3) Zone; and to rezone the following property:

The West 100 feet of the East 300 feet of Tract 6, except for the East 50 feet thereof and the West 100 feet of the East 300 feet of Tract 7, except for the East 50 feet thereof, all in Meridian Avenue Acres, according to the plat thereof recorded in Volume 24 of Plats, page 50, in the King County Courthouse, King County, Seattle, Washington,

from Residential Single Family (SF 7200) to Mutli-Family Residential Low Rise 2 (L-2) Zone; all 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. 293916.

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

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records of the Director of Records and Elections of King County and filed in C.F. 293916 by which said owners agree to certain restrictions on the property to ameliorate the adverse impact of uses and development otherwise permitted in the Multi-Family Residential Low Rise 2 and 3 (L-2, L-3) Zones 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 Community Development Director.

(To be used for all Ordinances except Emergency.)

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

I, NORWARD J. BROOKS, Comptroller and City Clerk of the City of Seattle, do hereby certify that the within and foregoing is a true and correct copy of the original instrument as the same appears on file, and of record in this department.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of The City of Seattle, this April 15 1986

NORWARD J. BROOKS
Comptroller and City Clerk

By: Theresa Dunbar
Deputy Clerk



8604160889

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 7th day of April, 1986,
and signed by me in open session in authentication of its passage this 7th day of
April, 1986.

[Signature]
President of the City Council.

Approved by me this 15th day of April, 1986.
[Signature]
Mayor.

Filed by me this 15th day of April, 1986.
Norward J. Brooks
Attest: _____
City Comptroller and City Clerk.

(SEAL)

Published _____

By: Theresa Dunbar
Deputy Clerk.

CITY COUNCIL TRANSMITTAL

C. F. #

2093916

TO:

James Fearon, Forward Dept.

Date Sent:

2/6/86

Reply Requested By:

MMF

Subject:

Regene Petition
of Regene Charleston

FROM:

Jim Street

ACTION — required

		Review and Return File With Your Answer to Sender
		Review and Answer Petitioner, Return File and Copy of Answer to Sender
		Review and Make Recommendations, Return File and Recommendations to Sender () In Duplicate
XXX		Prepare Legislation and Return File to Sender

Additional Information:

Regs. Draft & Legislation Committee contact with
Findings & Conclusions of City Council

James Fearon
Signature

C-201-X

Affidavit of Publication

STATE OF WASHINGTON
KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a
Ordinance No. 112788

was published on April 17, 1986

B. Blair
Subscribed and sworn to before me on
April 17, 1986

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

City of Seattle

ORDINANCE 11378

AN ORDINANCE relating to Land Use and Zoning; amending 232E, Page 25 of the Official Land Use Map to rezone property located at 1810 North 103rd Street from Residential Single Family (SF 7200) Zone to Multi-Family Residential Low Rise 3 (L-3) Zone on the eastern portion of the lot and Multi-Family Residential Low Rise 2 (L-2) Zone on the western portion of the lot, and accepting a Property Use and Development Agreement in connection therewith. (Petition of Mylo Charleston; C.F. 293916.)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Plat 232E, Page 25 of the Official Land Use Map adopted by Ordinance 110669 is amended to rezone the following property:

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from Residential Single Family (SF 7200) to Multi-Family Residential Low Rise 3 (L-3) Zone; and to rezone the following property:

The West 100 feet of the East 300 feet of Tract 6, except for the East 50 feet thereof and the West 100 feet of the East 300 feet of Tract 7, except for the East 50 feet thereof, all in Meridian Avenue Acres, according to the plat thereof recorded in Volume 24 of Plats, page 50, in the King County Courthouse, King County, Seattle, Washington,

from Residential Single Family (SF 7200) to Multi-Family Residential Low Rise 2 (L-2) Zone; all 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. 293916.

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. 293916 by which said owners agree to certain restrictions on the property to ameliorate the adverse impact of uses and development otherwise permitted in the Multi-Family Residential Low Rise 2 and 3 (L-2, L-3) Zones 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 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 7th day of April, 1986, and signed by me in open session in authentication of its passage this 7th day of April, 1986.

SAM SMITH,
President of the City Council.

Approved by me this 15th day of April, 1986.

CHARLES ROYER,
Mayor.

Filed by me this 15th day of April, 1986.

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

(Seal) By THERESA DUNBAR,
Deputy Clerk.

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

Date of official publication in Daily Journal of Commerce, Seattle, April 17, 1986.

(C-201-X)

