

Ordinance No. 121960

Council Bill No. 115416

ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 41 of the Official Land Use Map (Volume 6 of Plats, page 20, Records of King County) to rezone property located at 8016 Ashworth Avenue North from Single Family 5000 (SF 5000) to Lowrise 1 (L 1) Multifamily Residential and accepting a Property Use and Development Agreement in connection therewith. (Petition of Pryde Johnson Ashworth, L.L.C., C.F. 306618, Project Number 2307253.)

CF No. \_\_\_\_\_

Date Introduced:	OCT 10 2005	
Date 1st Referred:	To: (committee)	Urban Development & Planning
Date Re - Referred:	OCT 10 2005	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote:	
10-17-05	9-0	
Date Presented to Mayor:	Date Approved:	
Date Returned to City Clerk:	Date Published:	T.O. <input checked="" type="checkbox"/> F.T. <input checked="" type="checkbox"/> <i>KEH</i>
10/17/05	3 pgs	
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Pete Steinbrink

Councilmember **STEINBRINK**

## Committee Action:

Pass

10-17-05 Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: \_\_\_\_\_ (initial/date)

*Law Department*

Law Dept. Review      OMP Review      City Clerk Review      Electronic Copy Loaded      Indexed

ORDINANCE 121960

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 41 of the Official Land Use Map (Volume 6 of Plats, page 20, Records of King County) to rezone property located at 8016 Ashworth Avenue North from Single Family 5000 (SF 5000) to Lowrise 1 (L 1) Multifamily Residential and accepting a Property Use and Development Agreement in connection therewith. (Petition of Pryde Johnson Ashworth, L.L.C., C.F. 306618, Project Number 2307253.)

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

Section 1. This Ordinance affects the following described property (the "Property"):

COMMENCING AT A POINT 132 FEET NORTH OF THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 25 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;

THENCE EAST 660 FEET, MORE OR LESS, TO THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER;

THENCE NORTH 132 FEET, MORE OR LESS, TO A POINT 66 FEET SOUTH OF THE NORTHEAST CORNER OF THE SOUTH HALF OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER;

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THENCE SOUTH 132 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING;

EXCEPT THE WEST 35 FEET IN WIDTH OF SAID DESCRIBED TRACT FOR ASHWORTH AVENUE ; AND EXCEPT THAT PORTION LYING EASTERLY OF THE WESTERLY MARGIN OF DENSMORE AVENUE AS ESTABLISHED BY ORDINANCE NUMBER 51536.

Section 2. The Official Land Use Map zone classification for the Property, as adopted by Ordinance 110381 and established on page 41 of the Official Land Use Map, is amended to rezone the



1 Property from Single Family 5000 (SF 5000) to Lowrise 1 (L 1) Multifamily Residential, as shown in  
2 "Exhibit A," attached to this Ordinance.

3 Section 3. The Property Use and Development Agreement, attached to this Ordinance as  
4 "Exhibit B," executed by Pryde Johnson Ashworth, L.L.C. ("Owners") of the Property, by which said  
5 Owners agree to certain restrictions upon the Property to ameliorate the adverse impacts of uses and  
6 developments otherwise permitted in the L 1 zone upon property in the vicinity, is hereby approved and  
7 accepted.

8 Section 4. The period of the rezone of the Property, as calculated by S.M.C. Section  
9 23.76.060.B.1.b, is five (5) years from the effective date of this ordinance.

10 Section 5. The City Clerk is hereby authorized and directed to file said Property Use and  
11 Development Agreement and a copy of this ordinance at the King County Records, Elections and  
12 Licensing Services Division and file, upon return of the recorded agreement from the King County  
13 Records, Elections and Licensing Services Division, the original of said Property Use and Development  
14 Agreement with this Ordinance at the City Clerk's Office, and to deliver copies of the same to the  
15 Director of the Department of Planning and Development and to the King County Assessor's Office.

16 Section 6. This Ordinance, effectuating a quasi-judicial decision of the City Council and not  
17 subject to mayoral approval or disapproval, shall take effect and be in force thirty (30) days from and  
18 after its passage and approval by the City Council.

19  
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22 Passed by the City Council the 17<sup>th</sup> day of October, 2005, and signed by me in open session  
23 in authentication of its passage this 17<sup>th</sup> day of October 2005.



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\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Filed by me this 19 day of October, 2005.

  
\_\_\_\_\_  
City Clerk

(Seal)

**Exhibit A:** Rezone Map

**Exhibit B:** Property Use and Development Agreement



### Exhibit A (Rezone Map)

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**Exhibit B**  
**Property Use and Development Agreement**



**Return Address:**

Seattle City Clerk's Office

600 4th Avenue, Floor 3

P O Box 94728

Seattle, WA 98124 - 4728



**20051025001246**

SEATTLE CITY C ORD 36.00  
PAGE001 OF 005  
10/25/2005 13:34  
KING COUNTY, WA

WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Please print or type information

**Document Title(s)** (or transaction contained therein): (Insert Ordinance or Resolution Number Here)

1. Ordinance No. 121960

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 41 of the Official Land Use Map (Volume 6 of Plats, page 20, Records of King County) to rezone property located at 8016 Ashworth Avenue North from Single Family 5000 (SF 5000) to Lowrise 1 (L 1) Multifamily Residential and accepting a Property Use and Development Agreement in connection therewith. (Petition of Pryde Johnson Ashworth, L.L.C., C.F. 306618, Project Number 2307253.)

**Grantor(s)**

- 1. City of Seattle
- Additional names on page \_\_\_ of document.

**Grantee(s)** Public (Last name first, then first name and initials)

- 1. N/A
- 2.
- 3.

**Legal description** (abbreviated: i.e. lot, block, plat or section, township, range)

Additional reference #'s on page \_\_\_ of document

- N/A

**Assessor's Property Tax Parcel/Account Number**

#

- Assessor Tax # not yet assigned.
- N/A

g:\Forms\Recorder Cover.doc

FILED  
CITY OF SEATTLE  
05 NOV 23 4:19:42  
CITY CLERK

ORDINANCE 121960

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 41 of the Official Land Use Map (Volume 6 of Plats, page 20, Records of King County) to rezone property located at 8016 Ashworth Avenue North from Single Family 5000 (SF 5000) to Lowrise 1 (L 1) Multifamily Residential and accepting a Property Use and Development Agreement in connection therewith. (Petition of Pryde Johnson Ashworth, L.L.C., C.F. 306618, Project Number 2307253.)

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AND EXCEPT THAT PORTION LYING EASTERLY OF THE WESTERLY MARGIN OF DENSMORE AVENUE AS ESTABLISHED BY ORDINANCE NUMBER 51536.

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6 developments otherwise permitted in the L 1 zone upon property in the vicinity, is hereby approved and  
7 accepted.

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9 23.76.060.B.1.b, is five (5) years from the effective date of this ordinance.

10 Section 5. The City Clerk is hereby authorized and directed to file said Property Use and  
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12 Licensing Services Division and file, upon return of the recorded agreement from the King County  
13 Records, Elections and Licensing Services Division, the original of said Property Use and Development  
14 Agreement with this Ordinance at the City Clerk's Office, and to deliver copies of the same to the  
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18 after its passage and approval by the City Council.

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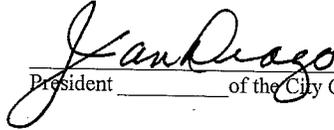
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22 Passed by the City Council the 17<sup>th</sup> day of October, 2005, and signed by me in open session  
23 in authentication of its passage this 17<sup>th</sup> day of October 2005.

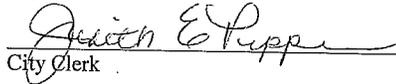
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President \_\_\_\_\_ of the City Council

Filed by me this 17 day of October, 2005.

  
City Clerk

(Seal)

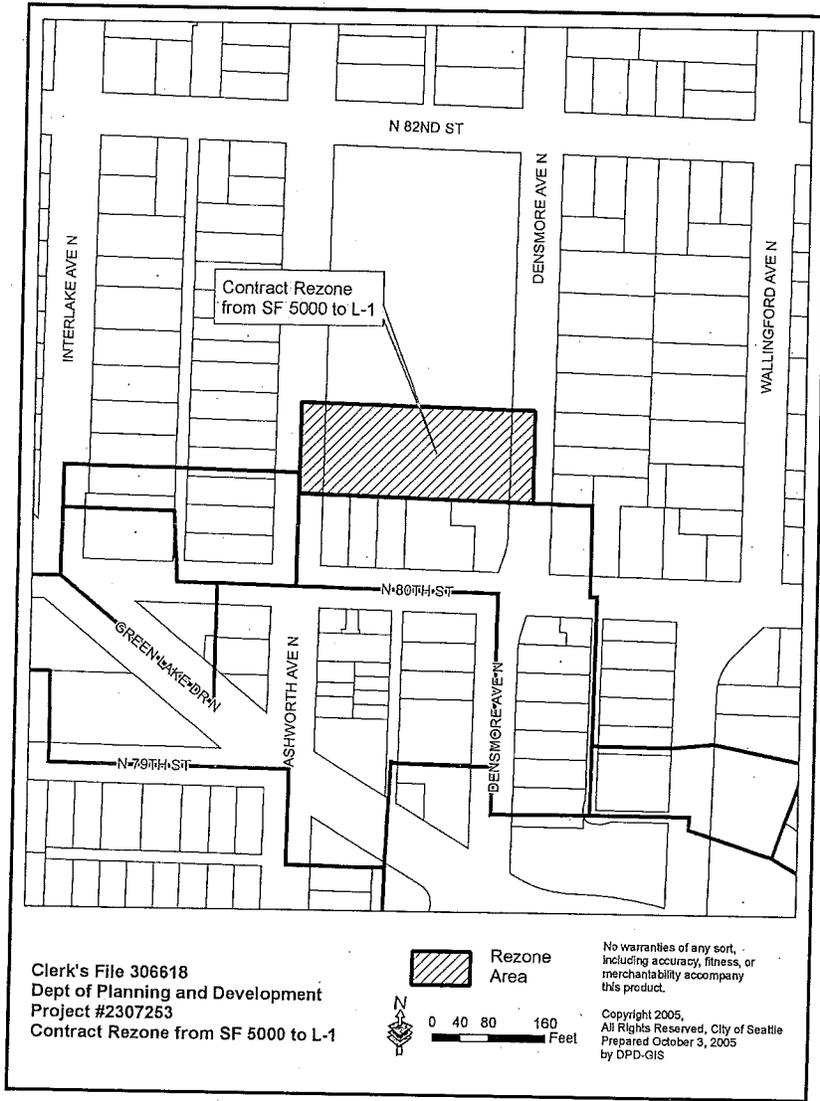
**Exhibit A:** Rezone Map

**Exhibit B:** Property Use and Development Agreement



Exhibit A (Rezone Map)

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*Original with  
King County  
for recording*

WHEN RECORDED RETURN TO

The City of Seattle  
First Floor, Municipal Building  
600 4<sup>th</sup> Avenue  
Seattle, WA 98104

Washington State Recorder's Cover Sheet (RCW 65.01)

<b>Document Title:</b> Property Use and Development Agreement
<b>Reference Number(s) of Related Documents:</b>
<b>Grantor(s):</b> 1. Pryde Johnson Ashworth LLC 2.
<b>Grantee(s):</b> 1. City of Seattle 2.
<b>Abbreviated Legal Description:</b>  Portion of the SW ¼ of the NE ¼ of the NE ¼ of Section 6, Township 25 N, Range 4 E, King County, Washington  <input checked="" type="checkbox"/> Additional legal on Exhibit A of document.
<b>Assessor's Tax Parcel/Account Numbers:</b> 062504-9247-05
<b>Reference Nos. of Documents or Assigned:</b> N/A

## PROPERTY USE AND DEVELOPMENT AGREEMENT

This Property Use and Development Agreement (the "Agreement") is executed this \_\_\_\_ day of \_\_\_\_\_, 2005, in favor of the City of Seattle, a Washington municipal corporation (herein called "City"), by Pryde Johnson Ashworth LLC, a Washington limited liability company, ("Owner").

### RECITALS

A. Pryde Johnson Ashworth LLC is the Owner of that certain real property in the City of Seattle legally described on Exhibit A attached hereto and incorporated herein by this reference ("Property" herein). The Property address is 8016 Ashworth Avenue North in the Green Lake neighborhood of Seattle.

B. According to the City of Seattle zoning maps, the Property currently has an SF-5000 zoning designation.

C. The 34,552 square foot Property is currently developed with an approximately 15,000 sq. ft., one-story brick building originally built as a utility service facility and over the past 35 years has been used as the operational center of a limousine service.

D. On **February 26, 2004**, Pryde Development, LLC, Owner's predecessor in interest, submitted to the City of Seattle an application to rezone the Property to L-1, subject to a Property Use and Development Agreement. The purpose of the application is to allow the Property to be redeveloped with a 20-unit, residential development consisting of 12 detached "cottage-style" single-family units, two clusters of four attached "carriage-style" units, one accessory building and accessory parking, all arranged around two connected landscaped common spaces with pedestrian access to both Ashworth Avenue North and Densmore Avenue North. Because the units are to be developed as a common project and individually do not meet the lot size requirements of the SF 5000 zone, rezoning of the Property is required.

E. Seattle Municipal Code (SMC) Section 23.34.004 allows the City to approve a contract rezone subject to "self-imposed restrictions upon the use and development of the property in order to ameliorate adverse impacts which could occur from unrestricted use and development permitted in the zone."

F. Owner desires the City to rezone the Property to L-1, pursuant to SMC 23.34.004 to facilitate redevelopment of the Property and the City is willing to rezone the Property pursuant to the Owner's Agreement to ensure the rezoning of the Property does not permit unrestricted development to occur.

## AGREEMENT

1. Zone Changes Limited to Current Proposal. Pursuant to SMC 23.34.004, the Owner hereby covenants, bargains and agrees, on behalf of itself and its successor and assigns, that it will comply with the following limitations and conditions in consideration of the rezone of the Property from SF 5000 to L-1: The changes in zone designation are established only for development of a project substantially the same in height, design, materials and site layout and with substantially the same amenities and improvements, both public and private, as depicted in the application for MUP 2307253 and represented in the Clerk's File 306618.

2. Agreement Runs With the Land. This Property Use and Development Agreement ("Agreement") shall be recorded in the records of King County by the City Clerk. The covenants hereof shall be deemed to attach to and run with the Property and shall be binding upon the Owner, its heirs, successors and assigns, and shall apply to after-acquired title of the Owner of the Property; provided the covenants herein and the rezone shall expire and be of no force and effect five (5) years from the effective date of the approval of this rezone unless an application is filed for a building permit for the building contemplated in the MUP 2307253 and that buildings are completed and Certificates of Occupancy obtained from DPD within the time the permit is active and valid.

3. Amendment, Exercise of Police Power, No Precedent. This Agreement may be amended or modified by agreement between Owner 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 Land Use Code or exercising the City's police power as it may deem necessary in the public interest. Owner agrees that nothing in this Agreement is intended to authorize any use or dimension not otherwise permitted in a L-1 zone. The conditions contained in this Agreement are based on the unique circumstances applicable to this Property, and this Agreement is not intended to establish precedent for other rezones in the surrounding area.

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



STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF {County} )

I certify that I know or have satisfactory evidence that {Name} is the person who appeared before me, and said person acknowledged that {he/she/they} signed this instrument, on oath stated that {he is/she is/they are} authorized to execute the instrument and acknowledged it as the \_\_\_\_\_ of the City of Seattle to be {his/her} free and voluntary act of such parties for the uses and purposes mentioned in this instrument.

DATED: \_\_\_\_\_

Print Name: \_\_\_\_\_  
NOTARY PUBLIC for the State of  
Washington, residing at  
\_\_\_\_\_

My appointment expires:  
\_\_\_\_\_

**Exhibit A**

[Legal Description of Grantor's Property]

Location:

Project site is located in Seattle between Ashworth Avenue North and Densmore Avenue North, north of North 82<sup>nd</sup> Street.

Legal Description:

COMMENCING AT A POINT 132 FEET NORTH OF THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 25 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;  
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AND EXCEPT THAT PORTION LYING EASTERLY OF THE WESTERLY MARGIN OF DENSMORE AVENUE AS ESTABLISHED BY ORDINANCE NUMBER 51536.

JILL M. BEAGLE 17 AM 8:04  
(206) 223-7022  
BEAGLEJ@LANEPOWELL.COM  
CITY CLERK

October 13, 2005

**VIA MESSENGER**

Ketil Freeman  
City of Seattle  
Legislative Department  
600 4<sup>th</sup> Avenue, 2<sup>nd</sup> Floor  
Seattle, WA 98124-4025

Re: Property Use and Development Agreement  
Pryde Johnson Ashworth LLC

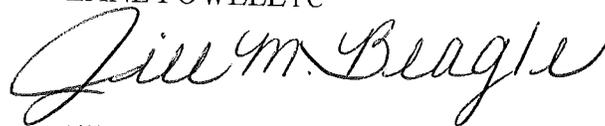
Dear Mr. Freeman:

Enclosed is an original signed Property Use and Development Agreement for the above-referenced project.

Should you have any questions, please do not hesitate to contact Glenn Amster. Thanks.

Very truly yours,

LANE POWELL PC



Jill M. Beagle, Assistant to  
Glenn J. Amster

JMB:jmb

Enclosure

cc: Curt Pryde (w/encl.)  
119764.0003/1240766.1

**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Legislative	Ketil Freeman 4-8178	NA

**Legislation Title:**

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 41 of the Official Land Use Map (Volume 6 of Plats, page 20, Records of King County) to rezone property located at 8016 Ashworth Avenue North from Single Family 5000 (SF 5000) to Lowrise 1 (L 1) multifamily residential and accepting a Property Use and Development Agreement in connection therewith. (Petition of Pryde Johnson Ashworth, L.L.C., C.F. 306618, Project Number 2307253.)

• **Summary of the Legislation:**

This is legislation for a quasi-judicial rezone of property located at 8016 Ashworth Avenue North. The proposed rezone would change the zone designation of the property from Single Family 5000 (SF 5000) to Lowrise 1 (L 1) multifamily residential and adopt a Property Use and Development Agreement (PUDA) limiting development on the site.

• **Background:**

The legislation is a petitioner-generated rezone subject to the Council’s rules for quasi-judicial decisions. The original petition, Department of Planning and Development recommendation, Hearing Examiner’s Findings and Recommendation, and record established by the Hearing Examiner are contained in related Clerk’s File 306618.

• *Please check one of the following:*

X **This legislation does not have any financial implications.** (Stop here and delete the remainder of this document prior to saving and printing.)



DRAFT

WHEN RECORDED RETURN TO

The City of Seattle  
First Floor, Municipal Building  
600 4<sup>th</sup> Avenue  
Seattle, WA 98104

Washington State Recorder's Cover Sheet (RCW 65.01)

<b>Document Title:</b> Property Use and Development Agreement
<b>Reference Number(s) of Related Documents:</b>
<b>Grantor(s):</b> 1. Pryde Johnson Ashworth LLC 2.
<b>Grantee(s):</b> 1. City of Seattle 2.
<b>Abbreviated Legal Description:</b>  Portion of the SW ¼ of the NE ¼ of the NE ¼ of Section 6, Township 25 N, Range 4 E, King County, Washington  <input checked="" type="checkbox"/> Additional legal on Exhibit A of document.
<b>Assessor's Tax Parcel/Account Numbers:</b>  062504-9247-05
<b>Reference Nos. of Documents or Assigned:</b>  N/A



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### RECITALS

- A. Pryde Johnson Ashworth LLC is the Owner of that certain real property in the City of Seattle legally described on Exhibit A attached hereto and incorporated herein by this reference ("Property" herein). The Property address is 8016 Ashworth Avenue North in the Green Lake neighborhood of Seattle.
- B. According to the City of Seattle zoning maps, the Property currently has an SF-5000 zoning designation.
- C. The 34,552 square foot Property is currently developed with an approximately 15,000 sq. ft., one-story brick building originally built as a utility service facility and over the past 35 years has been used as the operational center of a limousine service.
- D. On **February 26, 2004**, Pryde Development, LLC, Owner's predecessor in interest, submitted to the City of Seattle an application to rezone the Property to L-1, subject to a Property Use and Development Agreement. The purpose of the application is to allow the Property to be redeveloped with a 20-unit, residential development consisting of 12 detached "cottage-style" single-family units, two clusters of four attached "carriage-style" units, one accessory building and accessory parking, all arranged around two connected landscaped common spaces with pedestrian access to both Ashworth Avenue North and Densmore Avenue North. Because the units are to be developed as a common project and individually do not meet the lot size requirements of the SF 5000 zone, rezoning of the Property is required.
- E. Seattle Municipal Code (SMC) Section 23.34.004 allows the City to approve a contract rezone subject to "self-imposed restrictions upon the use and development of the property in order to ameliorate adverse impacts which could occur from unrestricted use and development permitted in the zone."
- F. Owner desires the City to rezone the Property to L-1, pursuant to SMC 23.34.004 to facilitate redevelopment of the Property and the City is willing to rezone the Property pursuant to the Owner's Agreement to ensure the rezoning of the Property does not permit unrestricted development to occur.



## AGREEMENT

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2. Agreement Runs With the Land. This Property Use and Development Agreement ("Agreement") shall be recorded in the records of King County by the City Clerk. The covenants hereof shall be deemed to attach to and run with the Property and shall be binding upon the Owner, its heirs, successors and assigns, and shall apply to after-acquired title of the Owner of the Property; provided the covenants herein and the rezone shall expire and be of no force and effect five (5) years from the effective date of the approval of this rezone unless an application is filed for a building permit for the building contemplated in the MUP 2307253 and that buildings are completed and Certificates of Occupancy obtained from DPD within the time the permit is active and valid.

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





STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF {County} )

I certify that I know or have satisfactory evidence that {Name} is the person who appeared before me, and said person acknowledged that {he/she/they} signed this instrument, on oath stated that {he is/she is/they are} authorized to execute the instrument and acknowledged it as the \_\_\_\_\_ of the City of Seattle to be {his/her} free and voluntary act of such parties for the uses and purposes mentioned in this instrument.

DATED: \_\_\_\_\_

Print Name: \_\_\_\_\_  
NOTARY PUBLIC for the State of  
Washington, residing at  
\_\_\_\_\_

My appointment expires: \_\_\_\_\_



**Exhibit A**

[Legal Description of Grantor's Property]

Location:

Project site is located in Seattle between Ashworth Avenue North and Densmore Avenue North, north of North 82<sup>nd</sup> Street.

Legal Description:

COMMENCING AT A POINT 132 FEET NORTH OF THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 25 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;  
THENCE EAST 660 FEET, MORE OR LESS, TO THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER;  
THENCE NORTH 132 FEET, MORE OR LESS, TO A POINT 66 FEET SOUTH OF THE NORTHEAST CORNER OF THE SOUTH HALF OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER;  
THENCE WEST 660 FEET, MORE OR LESS, TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER TO A POINT 66 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER;  
THENCE SOUTH 132 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING;  
EXCEPT THE WEST 35 FEET IN WIDTH OF SAID DESCRIBED TRACT FOR ASHWORTH AVENUE;  
AND EXCEPT THAT PORTION LYING EASTERLY OF THE WESTERLY MARGIN OF DENSMORE AVENUE AS ESTABLISHED BY ORDINANCE NUMBER 51536.

