

Ordinance No. 123520

Council Bill No. 117084

An Ordinance relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 187 of the Official Land Use Map to rezone property located at 4204 S. Trenton Street from Single Family 5000 to Lowrise 2, and accepting a Property Use and Development Agreement in connection therewith. (Petition by Real Estate Investment Properties, C.F. 308906, DPD Project 3006045).

Related Legislation File: _____

Date Introduced and Referred: <u>1.3.11</u>	To: (committee): BE Full Council
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>Jan. 10, 2011</u>	Date Presented to Mayor: Jan 10 2011
Date Signed by Mayor:	Date Returned to City Clerk: <u>Jan. 10, 2011</u>
Published by Title Only <input checked="" type="checkbox"/>	Date Vetoed by Mayor:
Published in Full Text _____	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: [Signature]

Committee Action:

Date	Recommendation	Vote

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

Full Council Action:

Date	Decision	Vote
<u>Jan 10, 2011</u>	<u>PASSED</u>	<u>9-0</u>

Law Department

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ORDINANCE 123520

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 187 of the Official Land Use Map to rezone property located at 4204 S. Trenton Street from Single Family 5000 to Lowrise 2, and accepting a Property Use and Development Agreement in connection therewith. (Petition by Real Estate Investment Properties, C.F. 308906, DPD Project 3006045).

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. This Ordinance affects the following legally described lots ("the Property") commonly known as 4204 S Trenton Street:

PARCELS A THROUGH I, CITY OF SEATTLE SHORT PLAT NUMBER 2008281, ACCORDING TO THE SHORT PLAT RECORDED UNDER KING COUNTY RECORDING NUMBER 20020211900002, RECORDS OF KING COUNTY, WASHINGTON, TOGETHER WITH THE SOUTH 60 FEET OF THE WEST 125 FEET OF SAID TRACT 9 OF LAKE DELL, AS PER PLAT RECORDED IN VOLUME 4 OF PLATS, PAGE 17, RECORDS OF KING COUNTY, LYING WESTERLY OF EMPIRE WAY; EXCEPT THAT PORTION OF SAID PARCEL A DEEDED TO THE CENTRAL PUGET SOUND TRANSIT AUTHORITY FOR STREET UNDER KING COUNTY RECORDING NUMBERS 20040802001529, 20041112000516, 20050127000001 AND 20050324000913; ALSO EXCEPT THAT PORTION DEEDED TO THE CITY OF SEATTLE UNDER KING COUNTY RECORDING NUMBERS 2008X1XXXXXXXXX AND 2008X2XXXXXXXX.

Section 2. The Official Land Use Map zone classification for the Property, established on page 187 of the Official Land Use Map, which Map was adopted by Ordinance 110381 and last modified by Ordinance 123490, is amended to rezone the Property from Single Family 5000 to Lowrise 2 as shown in Exhibit A of this ordinance.

Section 3. The Property Use and Development Agreement attached to this Ordinance as Exhibit B is hereby approved and accepted.



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2 Section 4. As reflected in the Council's Findings, Conclusions and Decision on this
3 rezone, Clerk's File 308906, and as authorized by Section 23.76.060 B of the Seattle Municipal
4 Code, this rezone shall expire seven (7) years after the effective date of this ordinance, provided
5 that if a Master Use Permit is issued, the rezone remains in effect until the Master Use Permit
6 expires. The extended approval period is to allow sufficient time to construct all 67 dwelling
7 units authorized under Master Use Permit No 3006045 and to provide adequate time to complete
8 required right of way improvements as described in Master Use Permit 3006045 and the Hearing
9 Examiner decision on the preliminary plat (Hearing Examiner File No. MUP-10-013).
10

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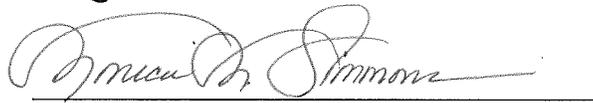


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2 Section 6. This Ordinance, effectuating a quasi-judicial decision of the City Council and
3 not subject to mayoral approval or disapproval, shall take effect and be in force thirty (30) days
4 from and after its passage and approval by the City Council.
5

6 Passed by the City Council the 10th day of January, 2011, and
7 signed by me in open session in authentication of its passage this 10th day of
8 January, 2011.
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11 
12 President _____ of the City Council

13 Filed by me this 10th day of January, 2011.
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16 
17 City Clerk

18 (Seal)
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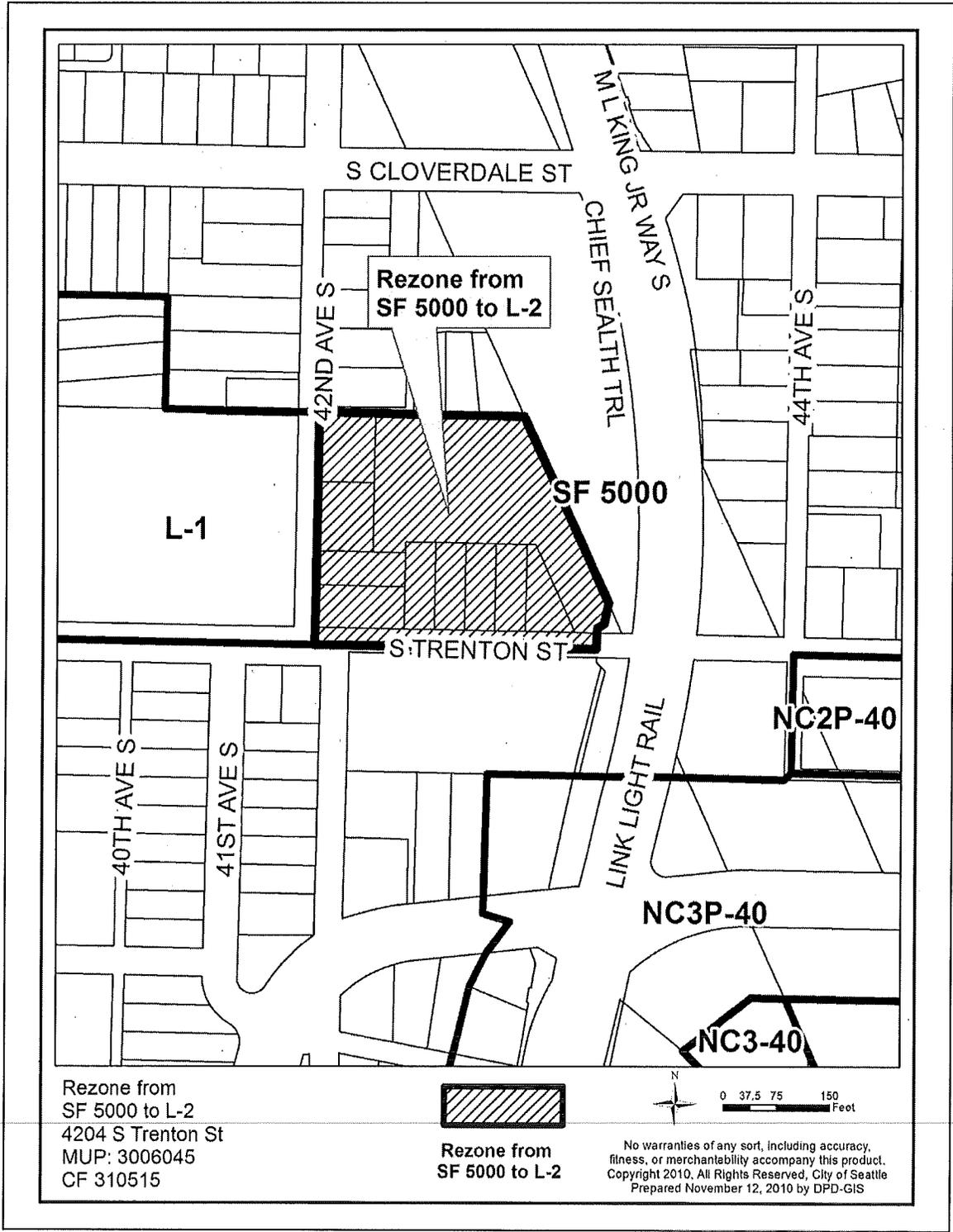
21 Exhibit A: Rezone Map

22 Exhibit B: Property Use and Development Agreement
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Exhibit A: Rezone Map

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Michael Jenkins
LEG 4204 S Trenton St
December 29, 2010
Version #4a

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Exhibit B – Property Use and Development Agreement



When recorded, return to:
THE SEATTLE CITY CLERK
600 4th Avenue, Floor 3
P.O. Box 94728
Seattle, WA 98124-4728

PROPERTY USE AND DEVELOPMENT AGREEMENT

Grantor: 1) Real Estate Investment Properties, LLC

Grantee: 1) The City of Seattle

Legal Description:

See Exhibit A

Reference Nos. of Documents Released or Assigned: N/A

THIS PROPERTY USE AND DEVELOPMENT AGREEMENT (the "Agreement") is executed this 30 day of December, 2010, in favor of the CITY OF SEATTLE, a Washington charter city (the "City"), and REAL ESTATE INVESTMENT PROPERTIES, LLC, a Washington Limited Liability Company (the "Owner").

RECITALS

A. The Owner is the owner of that certain real property (the "Property") in the City of Seattle zoned Single Family 5000 ("SF 5000") legally described in Exhibit A attached hereto and incorporated herein by this reference.

B. On August 7, 2007, the Owner submitted to the City an application for a Contract Rezone, Master Use Permit, and Full Unit Lot Subdivision (MUP No. 3006045), to rezone the Property from SF 5000 to Lowrise 2 ("L2"). The purpose of the application is to allow a 67-unit multi-family townhouse project, with parking for 95 vehicles, to be developed on the Property.

C. 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 that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezone."

NOW THEREFORE, in consideration of the mutual agreements contained herein, the parties agree as follows

Exhibit B – Property Use and Development Agreement



AGREEMENT

Section 1. Agreement. Pursuant to SMC 23.34.004, the Owner hereby covenants, bargains, and agrees, on behalf of itself and its successors and assigns, that it will comply with the following limitations and conditions in consideration of the rezone of the Property from SF 5000 to L2:

- A. Except as provided below, future development of the Property is restricted to a project that is developed in substantial accordance with the final approved Master Use Permit drawings for MUP Application No. 3006045 dated December 15, 2008 (Hearing Examiner's Exhibit 1, Clerk's File 308906)
- B. As authorized under SMC 23.76.060.B, the contract rezone shall expire seven (7) years after the effective date of the ordinance approving this rezone, provided that if a Master Use Permit is issued, the rezone remains in effect until the Master Use Permit expires. The seven year period is to allow sufficient time to construct all 67 dwelling units authorized under Master Use Permit (MUP) No. 3006045, and to provide sufficient time to complete required right-of-way improvements, as described in MUP No. 3006045 and the Hearing Examiner Decision on the preliminary plat (Hearing Examiner File No. MUP-10-013 (SD)).
- C. The Owner shall construct on-site lighting and signage at each of the proposed trail connections to the Chief Sealth trail, as identified in the Master Use Permit drawings (Hearing Examiner's Exhibit 1). These improvements must be constructed and approved by the Department of Planning and Development prior to the issuance of any building permit for any dwelling unit.
- D. Pursuant to Seattle Municipal Code Section 23.34.004B, the amount of required parking for the project is reduced from the 95 spaces proposed in the Master Use Permit No 3006045 to the amount required for multifamily developments in Lowrise 2 zones located within an urban village when the first application for a building permit for a dwelling unit is submitted to the City.

Section 2. Agreement Runs With the Land. This 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.

Section 3. Amendment. This Agreement may be amended or modified by written agreement between the Owner and the City, provided that such amendment shall be approved following procedures outlined for amendments to Property Use and Development Agreements in Seattle Municipal Code Section 23.76.058.

Section 4. Exercise of Police Power. Nothing in this Agreement prevents the City Council from making further amendments to the Seattle Municipal Code or to the Land Use Code as it may deem necessary to the public interest.



Exhibit A – Legal Description

PARCELS A THROUGH I, CITY OF SEATTLE SHORT PLAT NUMBER 2008281, ACCORDING TO THE SHORT PLAT RECORDED UNDER KING COUNTY RECORDING NUMBER 20020211900002, RECORDS OF KING COUNTY, WASHINGTON, TOGETHER WITH THE SOUTH 60 FEET OF THE WEST 125 FEET OF SAID TRACT 9 OF LAKE DELL, AS PER PLAT RECORDED IN VOLUME 4 OF PLATS, PAGE 17, RECORDS OF KING COUNTY, LYING WESTERLY OF EMPIRE WAY; EXCEPT THAT PORTION OF SAID PARCEL A DEEDED TO THE CENTRAL PUGET SOUND TRANSIT AUTHORITY FOR STREET UNDER KING COUNTY RECORDING NUMBERS 20040802001529, 20041112000516, 20050127000001 AND 20050324000913; ALSO EXCEPT THAT PORTION DEEDED TO THE CITY OF SEATTLE UNDER KING COUNTY RECORDING NUMBERS 2008X1XXXXXXXXX AND 2008X2XXXXXX.

Exhibit B – Property Use and Development Agreement



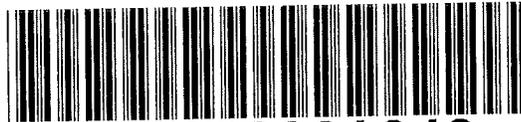
Return Address:

Seattle City Clerk's Office

600 4th Avenue, Floor 3

P O Box 94728

Seattle, WA 98124 - 4728



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SEATTLE CITY C AG 66.00
PAGE-001 OF 005
01/20/2011 13:28
KING COUNTY, WA

FILED
CITY OF SEATTLE
2011 MAR 24 AM 10:13
CITY CLERK

WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Document Title(s) and corresponding number (or transaction contained therein)

1. Property Use and Development Agreement to Ordinance No. 123520

Reference Number(s) of Documents assigned or released:

1.
Additional reference #'s on page ____ of document

Grantor(s)

1. Real Estate Investment Properties, LLC

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

1. City of Seattle

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

Parcels A through I, City of Seattle Short Plat No. 2008281, recorded under King County Recording No. 20020211900002, records of King County, Washington, per plat recorded in Vol. 4 of Plats, Page 17, Records of King County, except that portion of Parcel A deeded under King County Recording numbers 20040802001529, 20041112000516, 2005012700001 and 20050324000913.

Additional legal on **Exhibit A** of document

Assessor's Property Tax Parcel/Account Number

- 4006000158
- 4006000160
- 4006000165
- 4006000166
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The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

When recorded, return to:
THE SEATTLE CITY CLERK
600 4th Avenue, Floor 3
P.O. Box 94728
Seattle, WA 98124-4728

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B. On August 7, 2007, the Owner submitted to the City an application for a Contract Rezone, Master Use Permit, and Full Unit Lot Subdivision (MUP No. 3006045), to rezone the Property from SF 5000 to Lowrise 2 ("L2"). The purpose of the application is to allow a 67-unit multi-family townhouse project, with parking for 95 vehicles, to be developed on the Property.

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NOW THEREFORE, in consideration of the mutual agreements contained herein, the parties agree as follows

Exhibit B – Property Use and Development Agreement



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FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Michael Jenkins, 5-1674	NA

Legislation Title:

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 187 of the Official Land Use Map to rezone property located at 4204 S. Trenton Street from Single Family 5000 to Lowrise 2, and accepting a Property Use and Development Agreement in connection therewith. (Petition by Real Estate Investment Properties, C.F. 308906, DPD Project 3006045).

Summary of the Legislation:

This legislation is for a contract rezone of a 110,000 square foot property located at 4204 S. Trenton Street, to change the existing zoning from SF 5000 to L2.

Background:

This bill approves 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, record established by the Hearing Examiner and Council’s Findings, Conclusions and Decision are contained in Clerk’s File 308906.

X This legislation does not have any financial implications.



When recorded, return to:

THE SEATTLE CITY CLERK
600 4th Avenue, Floor 3
P.O. Box 94728
Seattle, WA 98124-4728

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See Exhibit A

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Section 4. Exercise of Police Power. Nothing in this Agreement prevents the City Council from making further amendments to the Seattle Municipal Code or to the Land Use Code as it may deem necessary to the public interest.



Exhibit A – Legal Description

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THIS VERSION IS NOT ADOPTED

Exhibit B – Property Use and Development Agreement



STATE OF WASHINGTON – KING COUNTY

--SS.

266592
CITY OF SEATTLE, CLERKS OFFICE

No. 123521 123520

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.

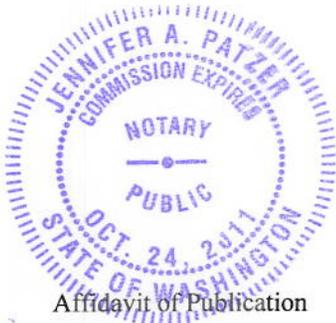
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:TITLE ONLY ORDINANCE

was published on

01/31/11

The amount of the fee charged for the foregoing publication is the sum of \$ 40.95, which amount has been paid in full.



Affidavit of Publication

A handwritten signature in blue ink, appearing to be "M. D. J.", written over a horizontal line.

Subscribed and sworn to before me on

01/31/11

A handwritten signature in blue ink, appearing to be "Jennifer A. Patzer", written over a horizontal line.

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on January 10, 2011, and published here by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For further information, contact the Seattle City Clerk at 684-8344.

ORDINANCE NO. 123521

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

ORDINANCE NO. 123520

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 187 of the Official Land Use Map to rezone property located at 4204 S. Trenton Street from Single Family 5000 to Lowrise 2, and accepting a Property Use and Development Agreement in connection therewith. (Petition by Real Estate Investment Properties, C.F. 308906, DPD Project 3006045).

Date of publication in the Seattle Daily Journal of Commerce, January 31, 2011.

1/31(266592)