#8 (.B.117799

When Recorded, Return to: The City Clerk First Floor, Municipal Building 600 4<sup>th</sup> Avenue Seattle, WA 98104

# 1<sup>st</sup> AMENDMENT TO PROPERTY USE AND DEVELOPMENT AGREEMENT

GRANTOR:

SEATTLE HOUSING AUTHORITY, a Washington

municipal corporation

GRANTEE:

CITY OF SEATTLE, a Washington municipal corporation

LEGAL DESCRIPTION:

See Attachment 1 for Legal Description of Property (High

Point Garden Community, 6550 32<sup>nd</sup> Avenue SW, generally bounded by SW Juneau Street on the north, 35<sup>th</sup>

generally bounded by SW Juneau Street on the north, 35° Avenue SW on the west, SW Myrtle Street on the south and the hillside above Longfellow Creek on the east)

ASSESSOR'S TAX PARCEL ID:

252403-9051-09, 252403-9049-04

RELATED DOCUMENTS:

20030617002439, Property Use and Development

Agreement

This First Amendment ("Amendment") amends the Original Property Use and Development Agreement recorded under King County Recording Number 20030617002439 ("PUDA"). This Amendment is executed by the Seattle Housing Authority ("Owner"), a Washington municipal corporation and owner of the property legally described herein ("Property"), in favor of the City of Seattle, a Washington municipal corporation.

All terms not defined herein shall have the same meaning as in the PUDA.

1. A new Section 6 is added to the PUDA to read as follows:

Section 6. Notwithstanding the ten-year expiration provision in Section 2, the covenants herein are extended for a period of two years from the effective date of the ordinance accepting this Amendment and extending the rezone.

remain in full force and effect. SIGNED Today of My SEATTLE HOUSING AUTHORITY, STATE OF WASHINGTON ) COUNTY OF KING I certify that I know or have satisfactory evidence that Andrew J. Lofton is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Executive Director of the Housing Authority of the City of Seattle, a public body corporate and politic, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument. GIVEN UNDER MY HAND AND OFFICIAL SEAL this Land day of Tune LAURA D. COUNLEY NOTARY PUBLIC STATE OF WASHINGTON Notary Public in and for the State of Washington COMMISSION EXPIRES residing at tayallup, WA Print name: Commission expires: CERTIFICATE OF THE CITY CLERK:

No Other Changes. Except as set forth herein, the Original PUDA shall

CERTIFICATE OF THE CITT CEERS

Michael Jenkins Seattle Housing Authority PUDA amendment May 27, 2013 Version #3

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Form Last Revised: January 24, 2011

## ORDINANCE

AN ORDINANCE approving the extension of a Property Use and Development Agreement and a contract rezone approved by Ordinance 121164 for Seattle Housing Authority's High Point Community Garden housing development located at 6550 – 32<sup>nd</sup> Avenue SW.

WHEREAS, on May 23, 2003 the City Council adopted Ordinance 121164, approving a contract rezone for Seattle Housing Authority ("SHA") for their High Point Community Garden housing development ("property") located at 6550 – 32<sup>nd</sup> Avenue SW, and accepting a Property Use and Development Agreement ("PUDA"), signed by the Mayor on June 4, 2003; and

WHEREAS, the PUDA imposed conditions and covenants concerning the extent of new development that was authorized under the rezone, including the adoption of a ten-year term for the PUDA and rezone; and

WHEREAS, SHA seeks to extend the date by which the PUDA and related zoning designation expires; NOW, THEREFORE,

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

Section 1. Notwithstanding the time limit imposed by Ordinance 121164 § 4, the zoning designation established by Ordinance 121164 § 2 is extended for a period of two years from the effective date of this ordinance, and is subject to the terms and conditions described in Ordinance 121164 § 3 and in Section 2 of this ordinance.

Section 2. The amendment to the PUDA accepted by Ordinance 121164, which amendment is attached as Exhibit A to this ordinance, is hereby accepted

Section 3. The City Clerk is hereby authorized and directed to file said PUDA amendment at the King County Records and Elections Division; to file, upon return of the recorded amendment from the King County Records and Elections Division, the original of said amendment with this Ordinance at the City Clerk's Office; and to deliver copies of the same to the Director of the Department of Planning and Development and to the King County Assessor's Office.



Michael Jenkins Seattle Housing Authority PUDA amendment May 27, 2013 Version #3

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Section 4. This Ordinance, effects	uating a quasi-judicial d	ecision of the City Council and
not subject to mayoral approval or disapp		nd be in force upon its passage
by the Council.		
Section 5. If Section 4 of this ord	inance shall be declared	by any court of competent
jurisdiction to be contrary to law: Section	a 4 shall be severed from	n the rest of the ordinance; all
other provisions of this ordinance shall re	main valid; this ordinan	ce shall be deemed effective
retroactive to July 3, 2013; and any act co	onsistent with the author	rity of this ordinance taken price
to this retroactive effective date is ratified	l and confirmed.	
Passed by the City Council the	day of	, 2013, and
signed by me in open session in authentic		
, 2013.		
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Filed by me this day of		, 2013.
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Section 6. Notwithstanding the ten-year expiration provision in Section 2, the covenants herein are extended for a period of two years from the effective date of the ordinance accepting this Amendment and extending the rezone.

1<sup>st</sup> amendment to PUDA SHA – High Point King County recording number 20030617002439



2. No Other Changes. E remain in full force and effect.	except as set forth herein, to	ne Original PUDA	snaii
SIGNED day of	, 2013.	a Po	
	SEATTLE HOU	ISING AUTHORIT	Ϋ́,
	Ву:		<u> </u>
4	Andrew J. Los	fton, Executive Dir	ector
STATE OF WASHINGTON )	A		
) ss			
COUNTY OF KING )			
appeared before me, and said person that he was authorized to execute the of the Housing Authority of the City and voluntary act of such party for t	e instrument and acknowle of Seattle, a public body	edged it as the Exec corporate and politi	utive Director ic, to be the free
GIVEN UNDER MY HAND AND	OFFICIAL SEAL this	day of	, 2013.
	Notary Public in and for residing at		
	Print name:		
	Commission expires:		
CERTIFICATE OF THE CITY CLI	ERK.		

#### FISCAL NOTE FOR NON-CAPITAL PROJECTS

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

## Legislation Title:

AN ORDINANCE approving the extension of a Property Use and Development Agreement and a contract rezone approved by Ordinance 121164 for Seattle Housing Authority's High Point Community Garden housing development located at 6550 – 32<sup>nd</sup> Avenue SW.

# Summary of the Legislation:

This legislation authorizes a two-year extension of a Property Use and Development Agreement (PUDA) approved by Ordinance 121164, that authorized rezones at Seattle Housing Authority's High Point Garden Community.

#### Background:

This bill approves a petitioner-generated extension of a PUDA subject to the Council's rules for quasi-judicial decisions. The original petition, Department of Planning and Development recommendation and related documents are contained in Clerk's File 312974.

• Please check one of the following:

X This legislation does not have any financial implications.

