

Easter Development Company

FILED NO. 4441  
CITY OF BELLEVUE  
DATE 11-14-77  
CITY CLERK *P. L. L. L.*  
*Ord. #2486*

## CONCOMITANT ZONING AGREEMENT

WHEREAS, the City of Bellevue, Washington, a non-charter code city, under the laws of the State of Washington (Chapter 35A.63 RCW and Article 11, Section 11 of the Washington State Constitution) has authority to enact laws and enter into agreements to promote the health, safety and welfare of its citizens, and thereby control the use and development of property within its jurisdiction; and

WHEREAS, the Owners of certain property have applied for a rezone of such property described below within the City's jurisdiction from R-10 to O; and

WHEREAS, the City pursuant to RCW 43.21C of the State Environmental Policy Act should mitigate any adverse impacts which might result because of the proposed rezone; and

WHEREAS, the Owners have indicated willingness to cooperate with the City of Bellevue, its Planning Commission and Planning Department to insure compliance with the Bellevue Zoning Code, the Bellevue Sign Code and all other local, state and federal laws relating to the use and development of the property described as follows:

That portion of the southeast 1/4 of Section 28, Township 25N Range 5 East W.M., described as follows:

Beginning at the southeast corner of said Section 28; thence north 89°47'55" west along south line thereof 835.50 feet; thence north 1°05'55" - west 949.01 feet; thence north 73°56'05" east 181.76 feet; thence north 1°16'55" west 270.96 feet to the true point of beginning; thence continuing north 1°16'55" west 267.90 ± feet to the southerly line of Bellevue-Redmond Highway; thence south 71°55'57" west along said southerly line 169.85 feet; thence south 1°16'55" west 267.90 ± feet; thence north 71°55'57" east 169.85 feet to the true point of beginning. Situated in the City of Bellevue, County of King, State of Washington.

WHEREAS, the City, in addition to civil and criminal sanctions available by law, desires to enforce the rights and interests of the

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RECORDED KC RECORDS

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public by this concomitant agreement;

NOW, THEREFORE, in the event the property located at the Southwest Corner of 130th Avenue N.E. and Bellevue - Redmond Road is rezoned by the City of Bellevue from R-10 to O, and in full consideration of that event should it occur, the Owners do hereby covenant and agree as follows:

1. Specific Conditions:

- a. Vehicular access to the property shall be only from 130th Avenue N.E.
- b. No residential uses shall be permitted on the property.
- c. Site screening on the southern property lines of the property must have at least 18 feet of landscaped area planted with evergreen trees at least 6 feet in height. Such site screening must be sufficiently dense so as to completely obscure visibility to the south prior to occupancy of any buildings. Such site screening must be submitted for design review and approval by the Bellevue Planning Department prior to the issuance of any building permit.
- d. Any development on the property is restricted and limited to the structure configuration and the location of such structure on the property as submitted to and considered by the City of Bellevue Planning Commission on August 4, 1977 and filed under file number PC-A-77-23.
- e. All landscaping required by this agreement must be maintained in a healthy condition.

2. In the event that any term or clause of this agreement conflicts with applicable law, such conflicts shall not affect other terms of this agreement which can be given effect without the conflicting term or clause, and to this end the terms of this agreement are declared to be severable.

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3. No modifications of this agreement shall be valid unless mutually agreed upon by all parties in writing and recorded with the King County Department of Records.

4. In addition to all other remedies available to the City by law, the City reserves the right to initiate proceedings to revoke the rezoning of the above described property should the Owners fail to comply with any of the terms and conditions of this agreement.

5. The City may at its discretion bring a lawsuit to compel specific performance of the terms and conditions of this agreement.

6. In addition to all remedies available under this agreement and available to the City by law, the City shall be entitled to reasonable attorney's fees in any action necessary to enforce this agreement.

7. Nothing in this agreement shall be construed to restrict the authority of the City to exercise its power to rezone this property in future years.

8. The Owners agree to indemnify and save harmless the City of Bellevue from and against all claims, suits, damages, costs,

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losses and expenses in any manner resulting from, arising out of,  
or connected with the Owners' negligent performance of or failure  
to perform fully any term or condition of this agreement.

9. This agreement shall be binding on the heirs, assigns,  
and successors of the Owners of the property herein described.

Dated this 1st day of November, 1977.

The person(s) whose names are  
subscribed herein do hereby  
certify that they are the sole  
holders of fee simple interest  
in the above described property:

OWNERS:

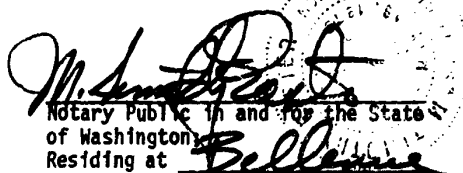
Donald A. [unclear]  
[unclear] PS —

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STATE OF WASHINGTON }  
COUNTY OF KING } SS

On this day personally appeared before me Donald D. Burke <sup>W.D. J. Suter</sup> to  
me known to be the individual described in and who executed the within  
and foregoing instrument and acknowledged that he/she signed the same  
as his/her free and voluntary act and deed for the uses and purposes  
therein mentioned.

Given under my hand and official seal this 1 day of November,  
1977.

  
Notary Public in and for the State  
of Washington  
Residing at Belleme

STATE OF WASHINGTON }  
COUNTY OF KING } SS

On this day personally appeared before me \_\_\_\_\_ to  
me known to be the individual described in and who executed the within  
and foregoing instrument and acknowledged that he/she signed the same  
as his/her free and voluntary act and deed for the uses and purposes  
therein mentioned.

Witness my hand and official seal hereto affixed this \_\_\_\_\_ day of \_\_\_\_\_  
Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_,  
1977.

Notary Public in and for the State  
of Washington;  
Residing at \_\_\_\_\_

Approved as to form:

  
Assistant City Attorney

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11-9-77

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2486

AN ORDINANCE reclassifying property located at the Southwest corner of 130th Avenue N.E. and Bellevue-Redmond Road in the City of Bellevue upon application of Easter Development Company, Inc.

WHEREAS, an application for reclassification of the property hereinafter described was duly filed with the appropriate City officials; and

WHEREAS, a public hearing was held thereon before the Planning Commission upon notice to all interested persons; and

WHEREAS, the Planning Commission has recommended approval with conditions of said reclassification of the property located at the Southwest corner of 130th Avenue N.E. and Bellevue-Redmond Road in the City of Bellevue from R-10 to O based upon findings that the proposed development is in keeping with the objectives of the Comprehensive Plan and that there is merit and value in the proposed development for the community as a whole; and

WHEREAS, the City Council has determined that the public use and interest will be served by reclassifying said property; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Ordinance; now, therefore

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The use classification of the following described property is changed from R-10 to O with conditions:

That portion of the southeast 1/4 of Section 28, Township 25N, Range 5 East W.M., described as follows:

Beginning at the southeast corner of said Section 28; thence north 89°47'55" west along south line thereof 835.50 feet; thence north 1°05'55" - west 949.01 feet; thence north 73°56'05" east 181.76 feet; thence north 1°16'55" west 270.96 feet to the true point of beginning; thence continuing north 1°16'55" west 267.90 + feet to the southerly line of Bellevue-Redmond Highway; thence south 71°55'57" west along said southerly line 169.85 feet; thence south 1°16'55" west 267.90 + feet; thence north 71°55'57" east 169.85 feet to the true point of beginning. Situated in the City of Bellevue, County of King, State of Washington.

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This reclassification from R-10 to O is conditioned on full compliance by the owners of said property and their heirs, assigns, grantees, or successors in interest, with the terms and conditions of that certain concomitant zoning agreement, executed by Donald R. Burke, M.D., a copy of which has been given Clerk's Receiving No. 4441 and which is adopted by reference into this ordinance as though it were fully set forth herein.

Section 2. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 14 day of November 1977, and signed in authentication of its passage this 14 day of November, 1977.

(SEAL)

M.F. Vanik  
M.F. Vanik, Mayor

Approved as to form:

Laurence G. Nord, Jr.  
Laurence G. Nord, Jr. Assistant City Attorney

Attest:

Patricia K. Weber  
Patricia K. Weber, City Clerk

Published November 17, 1977

CERTIFICATE

I, the undersigned, PATRICIA K. WEBER, CLERK of the City of Bellevue, Washington, certify that this is a true and correct copy of Ord. No. 2486  
Subscribed and sealed this 15 day of November, 1977

Patricia K. Weber  
City Clerk

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