

CITY OF BELLEVUE, WASHINGTON

RESOLUTION NO. 9828

A RESOLUTION authorizing the execution of documents necessary, including the Covenant Release and Transfer Agreement, to release a restrictive covenant affecting the property located at 600 124th Avenue NE, commonly known as Residence East, which is owned by Alpha Supported Living Services (ASLS), who currently operates a group home on the property for individuals with developmental disabilities.

WHEREAS, in 1976 the City entered into an agreement with Residence East to pass through Referendum 29 funds for the construction of a group home on their property located at 600 124th Avenue NE in Bellevue, Washington ("Original Building"); and

WHEREAS, the Original Building was completed in 1978 and Residence East took possession, assuming responsibility for all maintenance and operation of the site; and

WHEREAS, in 2008, Residence East merged with Alpha Supported Living Services (ASLS). By Resolution No. 7837 the City approved the merger, allowing ASLS to continue operation of programs and activities provided by Residence East; and

WHEREAS, on January 27, 2009 the City transferred its interest in the Original Building to ASLS by Quit Claim Deed, including a restrictive covenant restricting the property be used for certain limited programs as designated by the Washington State Department of Social and Health Services (DSHS). Such Quit Claim Deed and restrictive covenant is recorded under King County Recording Number 20090406001343 and attached as Attachment A; and

WHEREAS, the Original Building no longer meets the needs of its residents and ASLS has requested the City release the restrictive covenant allowing ASLS to sell the existing property and relocate the residents to another home or homes in Bellevue more suitable and accessible; and

WHEREAS, the City will be granted a replacement restrictive covenant once a new property is secured and prior to or concurrently with the release of the existing covenant; and

WHEREAS, pursuant to RCW 35A.21.410 a public hearing must be held to consider the release of such covenant; and

WHEREAS, Council held a public hearing on October 19, 2020, as the required prerequisite to authorizing relinquishment of the restrictive covenant; now, therefore,

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

Section 1. The City Manager or his designee is hereby authorized to execute documents necessary, including the Covenant Release and Transfer Agreement, to relinquish the restrictive covenant set forth in the Quit Claim Deed recorded under King County Recording Number 20090406001343, and attached hereto as Attachment A, located on the property at 600 124th Avenue NE in Bellevue, Washington.

Passed by the City Council this _____ day of _____, 2020,
and signed in authentication of its passage this _____ day of _____,
2020.

(SEAL)

Lynne Robinson, Mayor

Attest:

Charmaine Arredondo, City Clerk

ATTACHMENT A

20090406001343.001

AFTER RECORDING RETURN DOCUMENT T

James A. Greenfield
Davis Wright Tremaine LLP
1201 Third Avenue Suite 220
Seattle, WA 98101-3045



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04/06/2009 15:11
KING COUNTY, WA
TAX \$10.00
SALE \$0.00 PAGE001 OF 001

City of Bellevue Clerk Routing # 43802

Date: December 1, 2008

Resolution No.: 7837

PACIFIC NORTHWEST TITLE

Document Title: QUITCLAIM DEED
Grantor: CITY OF BELLEVUE
Grantee: ALPHA SUPPORTED LIVING SERVICES, A WASHINGTON NON-PROFIT CORPORATION
Legal Description: Facility located on LOT 8, BLOCK 2, STARMOUNT ADDITION NO. 2, ACCORDING TO THE PLAT RECORDED IN VOLUME 54 OF PLATS, PAGE 85, IN KING COUNTY WASHINGTON
Assessor's Number: 7971300040

The GRANTOR, CITY OF BELLEVUE, a Washington municipal corporation, for and in consideration of mutual and offsetting benefits conveys and quitclaims to the GRANTEE, ALPHA SUPPORTED LIVING SERVICES, a Washington non-profit corporation, all rights, title and interests it may have in the following described "Property" situated in the County of King, State of Washington:

Together with all improvements and fixtures thereon and all rights and interests appurtenant thereto, and together with all after-acquired title of Grantor therein.

Grantor hereby transfers, assigns and conveys to Grantee, without warranty, any and all personal property used in the operation of the aforesaid Property.

Grantee shall use the Property for the purpose of providing any of the following limited programs as designated by the Washington State Department of Social and Health Services or its successors: facilities for social services, adult and juvenile correction or detention, child welfare, day care, drug abuse and alcoholism treatment, mental health, public health, developmental disabilities, and vocational rehabilitation ("Authorized Purpose"). At such time as the Property (Land and Facilities) is no longer used for an Authorized Purpose, it shall revert immediately to Grantor; provided, however, that upon such reversion, the Grantor shall pay Grantee an amount equal to the then current fair market value of the Land plus the then current fair market value of any facilities on the Land not acquired, constructed or otherwise improved with funds provided

Quitclaim Deed City of Bellevue & ASLS

under Referendum 29 (Chapter 43.83D RCW.)

Grantee may sell the Property only if all of the following conditions are satisfied: (a) Any such sale must have the prior written approval by the Washington State Department of Social and Health Services or its successors; (b) all proceeds from such a sale must be applied to the purchase price of a different property or properties of equal or greater value than the original property; (c) any new property or properties must be used for the Authorizes Purposes; (d) the new property or properties must be available for use within one year of sale; and (e) Grantee shall reimburse Grantor for the value of the Property at the time of the sale (less an amount equal to the then current fair market value the Land and of any facilities on the Land not acquired, constructed or otherwise improved with funds provided under Referendum 29 (Chapter 43.83D RCW) if Grantee's successor ceases to use the new property for the Authorized Purposes.

Grantee agrees that proceeds of any sale of the Property shall be used for the exclusive benefit of Bellevue residents.

Dated this 27 day of January, ~~2008~~ 2009,

CITY OF BELLEVUE

By: Brad Miyake
Brad Miyake
Its: Deputy City Manager

Said document(s) were filed for record by Pacific Northwest Title as accommodation only. It has not been examined as to proper execution or as to its effect upon title.

Approved as to Form:

By: Monica Buck
Monica Buck
Its: Assistant City Attorney

Accepted:

ALPHA SUPPORTED LIVING SERVICES

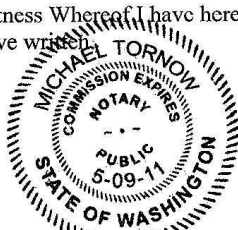
By: Wendell Johnson
Wendell Johnson
Its: Board President
12-23-2008

Quitclaim Deed City of Bellevue & ASLS

STATE OF WASHINGTON)
) ss.
 County of King)

I, the undersigned, a Notary Public, do hereby certify that on this 27 day of January, 2008, personally appeared before me Brad Miyake, Deputy City Manager of the City of Bellevue, to me known to be the individual described in and who executed the within instrument, and acknowledged that he signed and sealed the same as the free and voluntary act and deed of the City, for the purposes and uses therein mentioned, and on oath stated that he was duly authorized to execute said document.

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year first above written.



Michael Tornow
 Notary Public in and for the State of Washington,
 Residing at Bothell
 My commission expires 5-9-11

STATE OF WASHINGTON)
) ss.
 County of King)

I, the undersigned, a Notary Public, do hereby certify that on this 23rd day of December, 2008, personally appeared before me MICHAEL L MOORE, PRESIDENT of Alpha Supported Living Services, to me known to be the individual described in and who executed the within instrument, and acknowledged that he signed and sealed the same as the free and voluntary act and deed of Alpha Supported Living Services, for the purposes and uses therein mentioned, and on oath stated that he was duly authorized to execute said document.

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year first above written.



Ushakiran Kant
 Notary Public in and for the State of Washington,
 Residing at Lynnwood WA
 My commission expires 03/14/2011

Quitclaim Deed City of Bellevue & ASLS