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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3814

AN ORDINANCE approving the final development plans of Lincoln Property Company N.C., Inc. for a Planned Unit Development located on the east and south sides of Bannerwood Sports Park, with conditions.

WHEREAS, on September 8, 1986, the City Council passed Resolution No. 4792, approving the preliminary development plans of the Planned Unit Development of Lincoln Property Company N.C., Inc. located on the east and south sides of Bannerwood Sports Park; and

WHEREAS, the Department of Design and Development has received and reviewed the final plans for said Planned Unit Development; and

WHEREAS, the Department of Design and Development has found the final plans of the Planned Unit Development to be in conformance with the Planned Unit Development requirements of the City and the conditions of approval applicable to the development under Resolution No. 4792; and

WHEREAS, the Department of Design and Development has recommended approval of the final plans of the Planned Unit Development subject to additional conditions on the final plans; now, therefore

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

Section 1. The City Council concurs with the recommendation of the Department of Design and Development and does hereby approve the final plans of the Planned Unit Development of Lincoln Property Company N.C., Inc., File No. HE-B 85-3, located on the east and south sides of Bannerwood Sports Park and more particularly described as follows:

Area A

PARCEL A:

The East 1/2 of the Southwest 1/4 of the Northwest 1/4, EXCEPT the North 1/4 and the South 1/4 thereof, all in Section 3, Township 24 North, Range 5 East W.M., in King County, Washington; EXCEPT that portion condemned in King County Superior Court Cause No. 747514 for Lake Hills Connector Road;

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PARCEL B:

The South 1/2 of the Southeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 3, Township 24 North, Range 5 East W.M., in King County, Washington;

PARCEL C:

The North 1/2 of the Northeast 1/4 of the Northwest 1/4 of the Southwest 1/4 in Section 3, Township 24 North, Range 5 East W.M., in King County, Washington;

PARCEL D:

The East 3/4 of the South 1/2 of the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 3, Township 24 North, Range 5 East W.M., in King County, Washington;

EXCEPT the East 218 feet of the West 383 feet of the South 200 feet thereof;

AND EXCEPT the South 15 feet of the West 165 feet thereof for road;

AND EXCEPT any portion thereof lying within the West 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 3;

TOGETHER WITH an easement for ingress, egress and utilities over the North 45 feet of the South 60 feet of the West 1/2 of the Northwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of said Section 3 and over the South 60 feet of that portion of the Northeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 4, Township 24 North, Range 5 East W.M., in King County, Washington, lying Easterly of the Henry Richards Road;

Situate in the City of Bellevue, County of King, State of Washington.

Area B

The East 3/4 of the South 1/2 of the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 3, Township 24 North, Range 5 East W.M., in King County, Washington;

EXCEPT the East 218 feet of the West 383 feet of the South 200 feet thereof;

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AND EXCEPT the South 15 feet of the West 165 feet thereof for road;

AND EXCEPT any portion thereof lying within the East 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 3;

TOGETHER WITH an easement for ingress, egress and utilities over the North 45 feet of the South 60 feet of the West 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 3 and over the South 60 feet of that portion of the Northeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 4, Township 24 North, Range 5 East W.M., in King County, Washington, lying Easterly of the Henry Richards Road;

Situate in the City of Bellevue, County of King, State of Washington.

PROVIDED that this approval of the final development plans of the Planned Unit Development is conditioned on full compliance by the owner of the property described herein, its heirs, assigns, grantees and successors in interest, with the terms and conditions of that certain Concomitant Agreement executed by Donald D. Fleming and Marjorie K. Fleming, R.R. Lee, Jr. and Jeanne Marie Lee, and Darrel W. Sanders and Edna C. Sanders, which has been given Clerk's Receiving No. 11560, and which by this reference is fully incorporated herein.

Provided further that approval of the final development plans for the Planned Unit Development is subject to the following additional conditions:

1. The final pedestrian trail locations and method of construction shall be reviewed and approved by the Design and Development Department and the Storm and Surface Water Utility and the trail shall be staked in the field prior to issuance of a clearing and grading permit for the trails.
2. Sign permits will be required for the two proposed freestanding signs.
3. All exterior work including but not limited to excavation, foundation and framing is to occur only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday.
4. The new public street must be designed and constructed by the applicant in accordance with the City of Bellevue development standards. A 60-foot right-of-way dedication to the City of Bellevue is required prior to issuance of a Temporary

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Certificate of Occupancy. Improvements must include five-foot sidewalks on both sides of the roadway, curb, gutter, street lights, storm drainage and other standard street appurtenances.

5. The applicant must contribute \$6,400 to the City of Bellevue Transportation Division for the purpose of design and installation of a traffic signal at the intersection of Richards Road and the Lake Hills Connector. The funds must be submitted prior to issuance of a Temporary Certificate of Occupancy.
6. Clearing and grading is limited to approximately 9.5 acres. All clearing limits and trees to be preserved must be protected by a temporary chain-link fence located at the drip line of the individual trees and/or at the limits of clearing as approved by the Storm and Surface Water Utility in conjunction with the clearing and grading permit.
7. Prior to issuance of any permits, the applicant must submit to the Storm and Surface Water Utility all necessary easements for construction of the proposed storm drainage systems.
8. All exposed slopes greater than four to one, if left unworked for more than fourteen (14) days, must be mulched with straw one inch thick and covered with utility or jute mesh and stapled in place.
9. A landscape planting plan shall be submitted for review and approval by the Storm and Surface Water Utility and the Design and Development Department for all disturbed steep slope areas as determined by the Storm and Surface Water Utility. The plan shall be approved prior to issuance of a clearing and grading permit.
10. The apartment owner must secure Parks Department approval of the apartment tenants' lease agreement prior to issuance of any occupancy permit. The agreement must acknowledge that Bannerwood Sports Park is an operating baseball stadium with associated impacts of light, noise and traffic and hold the City harmless from those impacts on the tenants. The apartment manager must retain copies of the current agreement. All costs for future mitigation of those impacts, as requested by the tenants, must be borne by the apartment owner.

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

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PASSED by the City Council this 27th day of July,
1987, and signed in authentication of its passage this 27th day
of July, 1987.

(SEAL)



Thomas J. Hansen, Mayor Pro tem

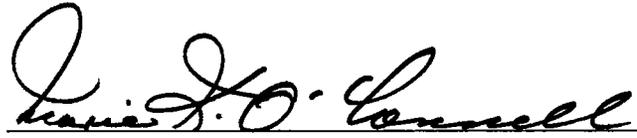
Approved as to form:

Richard L. Andrews, City Attorney



Janet E. Garrow, Assistant City Attorney

Attest:



Marie K. O'Connell, City Clerk

Published August 1, 1987