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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4099

AN ORDINANCE approving the conditional use permit application of Burnstead Construction, Inc. to construct 44 apartment units on 4.4 acres located at 2851 and 2863 - 125th Avenue S.E., with conditions; File No. CUDN 88-5051.

WHEREAS, Burnstead Construction, Inc. has applied to the City for a conditional use permit to construct 44 apartment units on property located at 2851 and 2863 - 125th Avenue S.E.; and

WHEREAS, on August 24, 1989, a public hearing was held thereon by the Hearing Examiner Pro Tempore pursuant to notice required by law; and

WHEREAS, on September 14, 1989, the Hearing Examiner Pro Tempore recommended approval, with conditions, of said application and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, on November 6, 1989, the Hearing Examiner Pro Tempore entered his Supplemental Findings and Recommendation regarding proposed planting within the powerline easement and proposed structures; and

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Hearing Examiner; and

WHEREAS, the City of Bellevue 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 City Council adopts the findings of fact and conclusions made and entered by the Hearing Examiner Pro Tempore in support of his recommendation to the Council in this matter as set forth in "Findings and Recommendation of the Hearing Examiner Pro Tempore for the City of Bellevue, and Supplemental Findings and Recommendation, In the Matter of the Application of Burnstead Construction (Factoria 44) For Approval of a Conditional Use, File No. CUDN 88-5051."

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Section 2. The City Council hereby approves the conditional use permit application, with conditions, of Burnstead Construction, Inc. to construct 44 apartment units on property located at 2851 and 2863 - 125th Avenue S.E., and more particularly described as:

PARCEL A:

The South half of the Northeast quarter of the Southeast quarter of the Northwest quarter of Section 9, Township 24 North, Range 5 East, W.M., in King County, Washington;
EXCEPT that portion thereof heretofore conveyed to the State of Washington for highway purposes by deeds recorded under Recording Nos. 3062152 and 3196481.

PARCEL B:

That portion of the Southeast quarter of the Southeast quarter of the Northwest quarter of Section 9, Township 24 North, Range 5 East, W.M., in King County, Washington, lying Easterly of a line parallel with and 150 feet Northeasterly of the center line of State Highway 2A.
LESS the South 200 feet thereof;
AND LESS City of Seattle transmission line right-of-way.

Both situate in the City of Bellevue, County of King, State of Washington.

Provided approval of this conditional use permit is conditioned on full compliance by the owner or owners of the property described herein, their heirs, assigns, grantees and successors in interest, with the terms and conditions of that certain Concomitant Agreement executed by Burnstead Construction, Inc., which has been given Clerk's Receiving No. 14970, and which by this reference is fully incorporated herein.

Section 3. 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 11th day of December, 1989, and signed in authentication of its passage this 11th day of December, 1989.

(SEAL)

Nan Campbell
Nan Campbell, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard Gidley
Richard Gidley, Deputy City Attorney

Attest:

Marie K. O'Connell
Marie K. O'Connell, City Clerk

Published December 15, 1989