

WP0591C-ORD
05/28/96

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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4882

AN ORDINANCE relating to the conditions of the zoning classification of certain property located at 2004 132nd Avenue SE and 1970 132nd Avenue SE in the City of Bellevue on application of Ralph and Margaret Wells and Richards Road Limited Partnership; deleting a condition of the zoning classification and adding new conditions relating to land dedication, trail easement and trail construction for a certain portion of the property; and amending Section 2 of Ordinance No. 4355 and the Concomitant Agreement required thereby.

WHEREAS, Ralph and Margaret Wells and the Richards Road Limited Partnership, owners of respective portions of the property, filed a co-application to amend a condition of the present zoning classification regarding easements for and construction of trails in relation to property located at 2004 132nd Avenue SE and 1970 132nd Avenue SE in the City of Bellevue which was most recently rezoned by Ordinance No. 4355; and

WHEREAS, on April 30, 1996, a public hearing was held on the application before the Hearing Examiner for the City of Bellevue upon proper notice to all interested parties; and

WHEREAS, on May 6, 1996, the Hearing Examiner recommended to the City Council approval of the application and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Hearing Examiner and has determined that the public use and interest will be served by approving the application; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Code; 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 based thereon made and entered by the Hearing Examiner in support of his recommendation to the City Council approving the application with regard to the hereinafter described property as set forth in "Findings, Conclusions, and

Recommendation of the Hearing Examiner for the City of Bellevue in the Matter of the Application of Ralph and Margaret Wells (Richards Valley Subarea) to amend a Condition of the Present Zoning Classification Regarding Easements for Construction of Trails in relation to property located at 2004 -132nd Avenue SE and 1970 -132nd Avenue SE," File No. REZ 95-8698.

Section 2. Condition 2 of Section 2 of Ordinance No. 4355 with respect to the following-described properties:

That portion of the Southwest quarter of Section 3 and the Southeast quarter of Section 4, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the Northwest corner of the South 330.00 feet of the Southwest quarter of the Northwest quarter of the Southwest quarter of said Section 3; thence Easterly along the North line thereof to the East line of the West half of the West half of the Southwest quarter of said Section 3; thence Southerly along said East line to the Southeast corner of the North half of the Northwest quarter of the Southwest quarter of the Southwest quarter of said Section 3; thence Westerly along the South line thereof to the centerline Henry Richard's Road (132nd Avenue S.E.); thence Northwesterly along said centerline to the North line of the South 330.00 feet of the Northeast quarter of the Southeast quarter of said Section 4; thence Easterly along said North line to the Point of Beginning.

and

The South 330.00 feet of the West half of the Southeast quarter of the Northwest quarter of the Southwest quarter of Section 3, Township 24 North, Range 5 East, W.M., in King County, Washington:

TOGETHER WITH the West half of the Northeast quarter of the Southwest quarter of the Southwest quarter of said Section 3;

EXCEPT the South 60.00 feet thereof.

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is hereby deleted, and the following additional conditions are hereby imposed on that portion of the above-described properties comprised of Lots 3 through 8 of Boundary Line Adjustment No. 95-6036 recorded under King County Recording No. 95092209001:

Land Dedication and Trail Easement: The applicant shall, within seven (7) days after approval of this amendment, quitclaim 3.77 acres for public open space and dedicate two east-west non-motorized public trail easements as portrayed in Exhibit A and as legally described in Exhibit B, attached hereto.

Trail Construction: The City shall construct a non-motorized public trail within the alignment of Old Jacob Kamber Road No. 2 and, within five years after issuance of the first Certificate of Occupancy for the Woodland Place, construct non-motorized public trails on the east-west easements as portrayed in Exhibit A and legally described in Exhibit B hereto. However, if the City fails to complete construction of the two trails within the five (5) year period, then the two east-west public trail easements are relinquished to the property owner.

This reclassification is conditioned on full compliance by the owners of said properties and their heirs, assigns, grantees, or successors in interest, with the terms and conditions of that certain Amendment to Concomitant Agreement executed by Ralph Wells and Margaret Wells, which has been given Clerk's Receiving No. 23174, and that certain Amendment to Concomitant Agreement executed by the Richards Road Limited Partnership, which has been given Clerk's Receiving No. 23175, both of which are adopted by reference into this ordinance as if fully set forth herein. The previous Concomitant Agreement, filed under Clerk's Receiving No. 18088, shall remain in full force and effect, except as expressly modified by the Amendments to the Concomitant Agreement herein referenced.

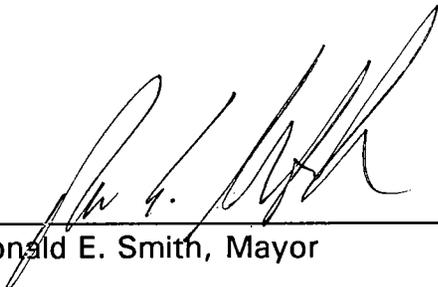
Section 3. This ordinance shall take effect and be in force five days after its passage and legal publication.

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PASSED by the City Council this 17th day of June, 1996, and
signed in authentication of its passage this 18th day of
June, 1996.

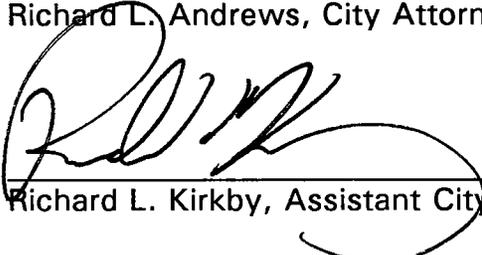
(SEAL)



Ronald E. Smith, Mayor

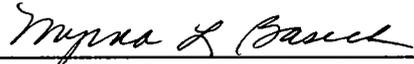
Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Kirkby, Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

Published June 21, 1996