

NON-CODE

**CITY OF REDMOND
ORDINANCE NO. 2838**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT TERMINATING AND RELEASING THE 1983 CITY OF REDMOND/PATRONI II CONCOMITANT ZONING AGREEMENT; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, on March 15, 1983, the City Council of the City of Redmond passed Ordinance No. 1110, establishing Suburban Estates, three dwelling units per acre (R-3) zoning on certain property recently annexed to the City commonly known as the Patroni II Annexation; and

WHEREAS, pursuant to Ordinance No. 1110, the then-property owners and the City of Redmond executed an agreement entitled, "City of Redmond/Patroni II Concomitant Zoning Agreement" ("the Concomitant Agreement"), which was recorded against the title to the property on November 11, 1983, under King County Recording No. 83111000661; and

WHEREAS, the purpose of the Concomitant Agreement was to legally bind the subject property so as not to allow a Planned Unit Development to develop the property in exchange for the establishment of the R-3 zoning; and

WHEREAS, the property that was the subject of the Concomitant Agreement has since been rezoned to R-4 Single-

Family Urban Residential and the City has eliminated planned unit development as a method of development in the City; and

WHEREAS, the Concomitant Agreement is therefore no longer applicable to or needed to control development on the property; and

WHEREAS, the current owners of the property have applied to the City to remove the Concomitant Agreement from their property in order to clear the title; and

WHEREAS, the Director of Planning and Community Development has determined that removal of a concomitant agreement from the title of a property is most analogous to the approval or amendment of a development agreement and the request to remove the Concomitant Agreement from the title to the property has been processed as such; and

WHEREAS, the Redmond City Council held a public hearing on a proposed agreement terminating and releasing the Concomitant Agreement and, after considering any and all testimony received at the hearing, determined to take the action provided in this ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Classification. This is a non-code ordinance.

Section 2. Findings and Conclusions. The recitals set forth above are adopted as the Findings and Conclusions of the Redmond City Council in support of this ordinance. Because the property has been rezoned to R-4 since the adoption of Ordinance No. 1110 and because planned unit development is no longer allowed in the City of Redmond, the Concomitant Agreement is no longer applicable or necessary to bind the property and should be removed from the title.

Section 3. Authority of Mayor. The Mayor or his designee is hereby authorized to execute the instrument entitled, "Termination and Release of City of Redmond/Patroni II Concomitant Zoning Agreement" in substantially the form attached to this ordinance and incorporated herein by this reference as if set forth in full. The City consents to the recording of the instrument with the King County Recorder's office.

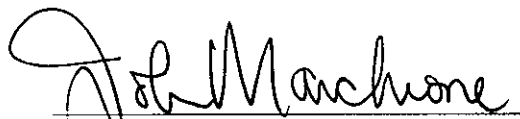
Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. Effective Date. This ordinance shall become effective five days after its publication, or publication of a

summary thereof, in the City's official newspaper, or as otherwise provided by law.

ADOPTED by the Redmond City Council this 19th day of July, 2016.

CITY OF REDMOND



JOHN MARCHIONE, MAYOR

ATTEST:



MICHELLE M. HART, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:



JAMES E. HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK: July 5, 2016
PASSED BY THE CITY COUNCIL: July 19, 2016
SIGNED BY THE MAYOR: July 22, 2016
PUBLISHED: July 25, 2016
EFFECTIVE DATE: July 30, 2016
ORDINANCE NO. 2838

YES: ALLEN, BIRNEY, CARSON, MARGESON, MYERS, SHUTZ, STILIN

Return Address:

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Senior Planner
City of Redmond
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Please print or type information. WASHINGTON STATE RECORDER'S COVER SHEET (RCW 65.04)

Document Title(s) (or transactions contained therein): (all areas applicable to your document must be filled in)

TERMINATION AND RELEASE OF CITY OF REDMOND/PATRONI II CONCOMITANT ZONING AGREEMENT

Reference Number(s) of Documents assigned or released:

Additional reference #'s on page 1 of document

83111000661

Grantor(s) (Last name, first name, initials)

1. Redmond, City of

Grantee(s) (last name, first name, initials)

1. Jha, Sidd

Legal Description (abbreviated: i.e., lot, block, plat or section, township, range)

POR S 1/2 OF NE 1/4 OF SW 1/4 LY W OF AVONDALE RD & N OF NE 104TH ST LESS RD PER REC# 8807280930 LY W OF LN DESC IN SCC #15-2-16989-1 & SURV REC #20150824900004 & LESS POR PER SCC #88-2-15128-8

Additional legal description on page ___ of document.

Assessor's Property Tax Parcel/Account Number

312606-9055/312606905502

Assessor Tax # not yet assigned.

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy of completeness of the indexing information provided herein.

**TERMINATION AND RELEASE OF CITY OF REDMOND/PATRONI II
CONCOMITANT ZONING AGREEMENT**

THIS INSTRUMENT terminates and releases all rights and obligations of the parties under that certain City of Redmond/Patroni II Concomitant Zoning Agreement ("the Concomitant Agreement") dated March 15, 1983 and recorded on November 10, 1983 under King County Recorder No. 811100661.

WHEREAS, the Concomitant Agreement was entered into by the City of Redmond and the then-property owners in order to legally bind the property legally described on Exhibit A ("the Property") so as not to allow it to be developed through a planned unit development process in exchange for establishing R-3 zoning; and

WHEREAS, the Property was zoned R-3 by City of Redmond Ordinance No. 1110, but was subsequently rezoned to R-4 Single-Family Urban Residential; and

WHEREAS, because of the change in zoning and because planned unit developments are no longer allowed by the City, the Concomitant Agreement is no longer applicable to or necessary to bind the Property and the parties have agreed that the same should be removed from the Property and terminated and released, NOW, THEREFORE,

IN CONSIDERATION OF and subject to the terms and conditions hereafter set forth, the undersigned parties agree as follows:

1. Termination and Release. The Concomitant Agreement is hereby terminated and all rights and obligations of the parties under the Concomitant Agreement are hereby fully released and of no further force and effect.

2. Concomitant Agreement No Longer Binding. From and after the recording of this instrument, the Concomitant Agreement shall no longer be binding on or an encumbrance against the Property.

DATED as of the last date of signature appearing below:

CITY OF REDMOND

PROPERTY OWNERS

By: _____
(Print or Type Name)
Mayor/Mayor's designee (circle one)
Date: _____

By: _____
(Print or Type Name)
Owner of Parcel _____
Date: _____

By: _____
(Print or Type Name)
Owner of Parcel _____
Date: _____

By: _____
(Print or Type Name)
Owner of Parcel _____
Date: _____

CITY ACKNOWLEDGEMENT:

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument, and acknowledged it as the _____ of the City of Redmond to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

(Signature)
Notary Public in and for the State of
Washington residing at _____
My commission expires _____

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that _____ are the persons who appeared before me and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: _____

(Signature)
Notary Public in and for the State of
Washington residing at _____
My commission expires _____

EXHIBIT A
LEGAL DESCRIPTION OF RELEASED PROPERTY

POR S 1/2 OF NE 1/4 OF SW 1/4 LY W OF AVONDALE RD & N OF NE 104TH ST LESS
RD PER REC# 8807280930 LY W OF LN DESC IN SCC #15-2-16989-1 & SURV REC
#20150824900004 & LESS POR PER SCC #88-2-15128-8