

ORDINANCE NO. 1157

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF REDMOND AS ADOPTED BY SECTION 20C.10.030 OF THE REDMOND MUNICIPAL CODE AND COMMUNITY DEVELOPMENT GUIDE, HEARING EXAMINER FILE NO. ZMA-82-6, BY ESTABLISHING ZONING ON PROPERTY NEWLY ANNEXED TO THE CITY, COMMONLY KNOWN AS THE FRETWELL ANNEXATION, CITY FILE NO. A-81-3; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Hearing Examiner for the City of Redmond, Washington, conducted a public hearing upon the request of the City to establish zoning for territory recently annexed to the City, ZMA-82-6, commonly known as the Fretwell Annexation, A-81-3, and more particularly described hereinafter, and

WHEREAS, after the conclusion of said hearing the Hearing Examiner issued his written findings of fact, conclusions and recommendations that said territory be zoned Suburban Estate, three dwellings per acre (R-3), pursuant to Section 20C.10.110 of the Redmond Municipal Code and Community Development Guide, and

WHEREAS, at its meeting of February 15, 1983, the City Council considered the findings, conclusions and recommendations of the Hearing Examiner and determined that the property should be zoned Suburban Estate, three dwellings per acre (R-3), subject to the condition that a Planned Unit Development not be allowed, now, therefore,

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

Section 1. The Official Zoning Map adopted by Section 20C.10.030 of the Redmond Municipal Code and Community Development Guide is hereby amended to establish Suburban Estate, three dwellings per acre (R-3), zoning on property recently annexed to the City, commonly known as the Fretwell Annexation, A-81-3, and and more particularly

ORIGINAL

described on Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full, conditioned upon execution by the property owners of a concomitant zoning agreement providing that a Planned Unit Development shall not be allowed on the property.

Section 2. The written findings and conclusions of the Hearing Examiner, File No. ZMA-82-6, are hereby adopted by the City Council as the basis for establishing zoning by this ordinance, together with the record of the City Council deliberation on this matter conducted on February 15, 1983.

Section 3. The Director of Planning and Community Development is hereby instructed to effectuate the changes to the official zoning map in accordance with Section 1 of this ordinance, upon execution of the concomitant zoning agreement.

Section 4. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after its passage and publication by posting as provided by law.

CITY OF REDMOND

Christine T. Himes
MAYOR, CHRISTINE T. HIMES

ATTEST/AUTHENTICATED:

Paul F. Kusakabe
CITY CLERK, PAUL F. KUSAKABE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY *James C. Martin*

FILED WITH THE CITY CLERK: March 9, 1983
PASSED BY THE CITY COUNCIL: October 18, 1983
SIGNED BY THE MAYOR: October 25, 1983
POSTED: October 21, 1983
EFFECTIVE DATE: October 26, 1983
ORDINANCE NO. 1157

CITY OF REDMOND/FRETWELL CONCOMITANT ZONING AGREEMENT

WHEREAS, the City of Redmond, Washington, a non-charter optional municipal code city, incorporated under the laws of the State of Washington, hereinafter referred to as "the City", has authority to enact laws and enter into agreements to promote the public health, safety and welfare of its citizens and thereby control the use and development of property within its jurisdiction, and

8311100660

WHEREAS, Eldon R. Fretwell and Betty D. Fretwell, Michael D. DeCaro and Donna J. DeCaro, Ruth M. Robstad and Gary A. Robstad, and David V. Malland and Linda M. Malland are the owners of certain real property located within the City of Redmond, which parties shall hereinafter be referred to as "Owners", have voluntarily agreed to enter into this concomitant agreement in order to induce the City of Redmond to establish Suburban Estate (R-3) as the zoning classification of said property which is legally described on Exhibit A attached hereto and incorporated herein as if set forth in full, and

WHEREAS, at a public meeting on February 15, 1983, the City Council authorized the preparation of an ordinance reclassifying said property from General District (G) to Suburban Estate (R-3) subject to certain conditions agreed to by the property owner, now, therefore,

The parties hereby agree as follows:

8311100660

1. In the event that the City of Redmond, Washington, finds that an ordinance classifying the zoning of said property Suburban Estate, three units per acre (R-3) is in the public interest and will promote the health, safety and general welfare of the residents of the City and adopts said ordinance, then Owners agree that a Planned Unit Development shall not be allowed upon the property.

2. This agreement shall constitute a covenant running with Owners' land and shall be binding upon Owners, their heirs, successors and assigns, and shall be recorded at Owners' expense.

3. Nothing in this agreement shall be construed to restrict the authority of the City to exercise its police powers, nor to require the City to adopt the proposed zoning ordinance, nor to prohibit the City from initiating proceedings to rezone the property if changed conditions warrant such action.

DATED this 27th day of September, 1983.

OWNERS

Eldon R. Fretwell
ELDON R. FRETWELL

Betty D. Fretwell
BETTY D. FRETWELL

Michael D. DeCaro
MICHAEL D. DECARO

Donna J. DeCaro
DONNA J. DECARO

Ruth M. Robstad
RUTH M. ROBSTAD

Gary A. Robstad
GARY A. ROBSTAD

David V. Malland
DAVID V. MALLAND

Linda M. Malland
LINDA M. MALLAND

CITY OF REDMOND

By Christine T. Himes
Christine T. Himes, Mayor

Approved as to Form:
Office of the City Attorney

By Jane C. Martin

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this day personally appeared before me ELDON R. FRETWELL and BETTY D. FRETWELL, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

of Sept 27th, 1983.

Roger E. Donstad
NOTARY PUBLIC in and for the
State of Washington, residing
at Redmond

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this day personally appeared before me MICHAEL D. DECARO and DONNA J. DECARO, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

of Sept 27th, 1983.

Roger E. Donstad
NOTARY PUBLIC in and for the
State of Washington, residing
at Redmond

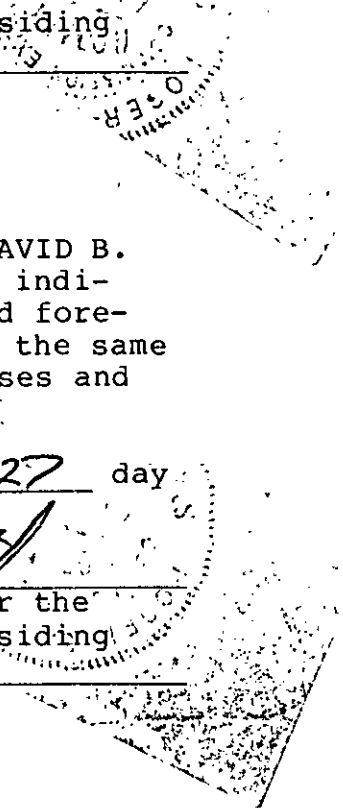
8311100660

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this day personally appeared before me RUTH M. ROBSTAD and GARY A. ROBSTAD, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 27th day of Sept., 1983.

Roger E. Dorstad
NOTARY PUBLIC in and for the
State of Washington, residing
at Redmond



STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this day personally appeared before me DAVID B. MALLAND and LINDA M. MALLAND, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 27 day of Sept., 1983.

Roger E. Dorstad
NOTARY PUBLIC in and for the
State of Washington, residing
at Redmond

8311100660

PROPOSED ANNEXATION (North of Patroni Annexation)

Legal Description
December 23, 1981

That portion of the north half of the northeast quarter of the southwest quarter of Section 31, Township 26 North, Range 6 East, W.M. lying westerly of the easterly right-of-way margin of Avondale Road, together with the North 30 feet of the East 30 feet of Government Lot 3 in said Section 31.

8311100660

Corrected Legal
B.R.B. File 1085

RECORDED THIS DAY
Nov 10 11 57 AM '83
BY THE DIVISION OF
RECORDS & ELECTIONS
KING COUNTY