AN ORDINANCE of the City of Kent, Washington, relating to planning and rezoning for land development a portion of certain property originally zoned by the City of Kent as RA (Residential Agricultural) to MRM (Multi-Family Residential Medium Density) and CC (Community Commercial) zone. (OKIMOTO REZONE)

WHEREAS certain land was zoned by the City of Kent by Ordinance 1827, entitled "Ordinance adopting Zoning Code for the City of Kent, Washington", on the 4th day of June, 1973; and

WHEREAS the effective date of the zoning of said land by said Ordinance 1827 and the effective date of said Ordinance 1827 itself, was the 20th day of June, 1973; and

WHEREAS as required by Ordinance 1827, a public hearing was held before the Planning Commission of the City of Kent, wherein it was recommended that said land be left in its original zoning classification; and

WHEREAS thereafter the City Council of the City of Kent did upon the 3rd day of January, 1978 hold a public hearing on said recommendation insofar as it related to said certain lands, and said public hearing being held after proper notice thereof; and after said public hearing the City Council determined the land should be rezoned to MRM (Multi-Family Residential Medium Density) and CC (Community Commercial) zone; and

WHEREAS it is found that the rezone of land is in the best interest of the health and welfare of the citizens of the City of Kent and is consistent with the Comprehensive Plan of the City of Kent and consistent with good planning, NOW, THEREFORE

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. The following described land situated in the City of Kent, County of King, State of Washington, and presently zoned as RA (Residential Agricultural) and more particular-
ly described as follows:

That portion of Section 23, Township 22 North, Range 4 East, W.M. in King County, Washington, described as follows:

Commencing at the corner common to Sections 13, 14, 23 and 24, said Township and Range; thence west along the section line between Sections 14 and 23, 1,102 feet; thence south along the prolongation of the west line of Thompson Donation Claim along said west line 2,029 feet to the south line of Meeker Avenue; thence west along the south line of Meeker Avenue, 30 feet to the TRUE POINT OF BEGINNING; thence west along said south line of Meeker Avenue, 1659.3 feet, more or less, to the easterly line of the road, 40 feet in width, conveyed to King County by deed dated March 7, 1905; thence southeasterly along said easterly line of the road, 873 feet to a point on the right bank of the White River; thence continuing on the same course 50 feet, more or less, to the intersection of the easterly line of said road with the water line of the right bank of the White River; thence easterly along said water line 504 feet; thence north 50 feet; more or less, to said right bank of the White River; thence continuing on the same course north 35.3 feet to the northwest corner of the tract of land conveyed to Elizabeth Steward Robb by deed recorded under Auditor's File No.629615; thence east 996.8 feet, more or less, to a point 30 feet west of the easterly 968 feet of the following described property:

is hereby rezoned to MRM (Multi-Family Residential Medium Density) zone.

Section 2. The following described land situated in the City of Kent, County of King, State of Washington, and presently zoned as RA (Residential Agricultural) and more particularly described as follows:

That portion of Section 23, Township 22 North, Range 4 East, W.M. in King County, Washington, being the northerly 460 feet of the easterly 968 feet of the following described property:

Commencing at the corner common to Sections 13, 14, 23 and 24, said Township and Range; thence west along the section line between Sections 14 and 23, 1,102 feet; thence south along the prolongation of the west line of Thompson Donation Claim along said west line 2,029 feet to the south line of Meeker Avenue; thence west along the south line of Meeker Avenue, 30 feet to the TRUE POINT OF BEGINNING:
thence west along said south line of Meeker Avenue, 1659.3 feet, more or less, to the easterly line of the road, 40 feet in width, conveyed to King County by deed dated March 7, 1905; thence southeasterly along said easterly line of the road, 873 feet to a point on the right bank of the White River; thence continuing on the same course 50 feet, more or less, to the intersection of the easterly line of said road with the water line of the right bank of the White River; thence easterly along said water line 504 feet; thence north 50 feet; more or less, to said right bank of the White River; thence continuing on the same course north 35.3 feet to the northwest corner of the tract of land conveyed to Elizabeth Steward Robb by deed recorded under Auditor's File No. 629615; thence east 996.8 feet, more or less, to a point 30 feet west of the west line of the Thompson Donation Claim; thence north parallel with said west line 758.55 feet to the TRUE POINT OF BEGINNING: EXCEPT any portion thereof lying below the line of ordinary high water of the White River.

is hereby rezoned to CC (Community Commercial) zone.

Section 3. The Planning Director of the City of Kent be and he is hereby authorized and directed to indicate upon the Comprehensive Zoning Map of the City of Kent or upon an addendum thereto, the zoning of said property as provided for in Section 1 of this Ordinance.

Section 4. That upon said amendment being shown upon the Comprehensive Zoning Map of the City of Kent, or upon an addendum thereto, the copy of said map or addendum, shall be filed with the Director of Records and Elections of King County, Washington, and the City Clerk of the City of Kent be and she is hereby authorized and directed to record this Ordinance with the County Auditor of King County and pay the filing fee therefore.

Section 5. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

ISABEL HOGAN MAYOR
ATTEST:

[Signature]
MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

[Signature]
DONALD E. MIRK, CITY ATTORNEY

PASSED the 17 day of April, 1978.
APPROVED the 18 day of April, 1978.
PUBLISHED the 20 day of April, 1978.

I hereby certify that this is a true copy of Ordinance No. 2087, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature] (SEAL)
MARIE JENSEN, CITY CLERK
AGREEMENT made on the dates of execution hereafter shown between the City of Kent, Washington, a municipal corporation, and BERTRAM J. MCNAE, as agent for himself and other persons owning an interest in the real property described in the exhibits attached to this agreement (hereafter known as "Owners").

RECATIALS

A. McNae and those he represents are owners of certain real estate located in the City of Kent, Washington, comprising of roughly 30 acres and bounded on the north side by West Meeker Street, on the east by 64th Avenue South, and on the west by Russell Road, and legally described in the attached Exhibit A hereto.

B. The real estate referred to is currently zoned "RA" (Residential Agricultural), and McNae has applied to the City of Kent to have the northeastern corner of the property rezoned to Community Commercial and the balance of the property to Multi-Residential Medium Density (MR-M).

C. The governing body of the City of Kent, namely, the City Council of the City of Kent, has granted McNae's application to rezone subject to McNae entering on behalf of himself and the other owners into a written agreement requiring McNae and any successors, heirs or assigns to carry out certain conditions and improvements to the property at the owners' expense, such conditions being set forth on page 7 of the Kent Planning Agency's Staff Report of October 25, 1977.

Ordinance 2087
4/17/78
THEREFORE, IN CONSIDERATION FOR THE ENACTMENT OF AN
ORDINANCE GRANTING THE REZONE APPLICATION OF McNAE AND THE
SUBSEQUENT ISSUANCE OF A BUILDING PERMIT IN ACCORDANCE WITH
SUCH ZONING, IT IS AGREED:

1. This Agreement shall be considered as a covenant running with the land and be recordable so as to give constructive notice to all persons of this agreement's existence.

2. The Owners, their heirs, successors and assigns shall on or before the granting of any initial building, grading or other development permit of the subject property, convey by quitclaim deed in a form approved by the City of Kent the following parcels which are now a portion of the perimeter of the Owners' property:

   a. For right of way purposes a 10-ft. wide strip running the length of the Owners' property along the boundary of West Meeker Street.

   b. Sufficient property to construct a radius turn of 25-ft. at the corner of 64th Avenue South and West Meeker Street.

   c. A strip 5-ft deep along the west boundary of the property which boundary borders Russell Road for the purposes of additional right of way, and in addition shall deed sufficient property so that a 25-ft. radius turn can be constructed at the corner of Russell Road and West Meeker Street.
3. At the time that any initial building permit, grading or development permit is applied for whether such permit be at the city or county level, Owners shall submit to the City, their plans for and subsequently construct the following improvements at no cost to the city:

   a. Improve to a total street width of 36 feet by adding a concrete curb and gutter to that portion of 64th Avenue South which borders on the subject property, lineally from the intersection of Meeker Street to the southernmost access point to the property.

   b. Improve to a total street width of 32 feet by means of constructing a concrete curb and gutter on the western boundary of the subject property along Russell Road and running linealy from the intersection of Meeker Street to the southernmost access to the property.

   c. Comply with the drainage requirements then in effect by King County or the City of Kent (whichever is applicable) for drainage. If ponds are required, provide a 7-day storage by means of ponds on the property. It is understood these ponds may be removed at such time as later enactments of King County and the Green River Flood Control District may permit.

4. Within 30 days after the execution of this agreement, the City of Kent shall enact its ordinance granting to the Owners the rezone classifications applied for.

5. Both parties agree that if this agreement is breached, damages would be inadequate; and if this agreement
is breached by the Owners or any successor to the Owners, the City shall have all or any combination of the following remedies in addition to any other remedy provided by law:

   a. Enjoin the further development of the subject property and have a degree of specific performance entered requiring the Owners or their successors to comply with the provisions of this Agreement.

   b. Cancel, suspend or revoke any building permit previously issued;

   c. Have title and possession granted to the City of those portions required to be deeded to it by paragraph 2, the same as if condemnation had occurred and compensation paid.

   d. Complete the improvements required and charge the Owners with the reasonable costs of such improvements, and have a lien upon all of the subject property equivalent and enforceable in the same manner as a lien for unpaid taxes.

6. This Agreement is binding on the land in question and the parties hereto, their heirs, successors and assigns.

7. If this Agreement is breached and legal action is subsequently commenced, the court in addition to any other damages which may be awardable by law, shall be authorized to award a reasonable sum as attorneys' fees to the prevailing party.


THE CITY OF KENT

By [Signature]
Mayor

PROPERTY OWNER:

[Signature]

BERTRAM J. McNAE on behalf of himself and as the authorized agent of all other title owners in interest
STATE OF WASHINGTON,  
County of KING ss.

On this day personally appeared before me ____________________________________________

BERT J. McNAE

__________________________________________

______________________________

To me known to be the individual described in and who executed the within and foregoing instrument and acknowledged to me that he signed the same as his free and voluntary act and deed for the purposes therein mentioned.

Given under my hand and official seal this 27th day of January, 1976.

Phyllis L. Anderson

Notary Public in and for the State of Washington, residing at Seattle

TL-34 1/66 Security Title Insurance Company of Washington - ACKNOWLEDGMENT - ORDINARY
That portion of Section 23, Township 22 N., R. 4 E., W.M. in King County, Washington, described as follows:
Commencing at the corner common to Sections 13, 14, 23 and 24, said township and range; thence west along the section line between Sections 14 and 23, 1,102 feet; thence south along the prolongation of the west line of Thompson Donation Claim along said west line 2,029 feet to the north line of Meeker Ave.; thence west along the south line of Meeker Ave., 30 feet to the TRUE POINT OF BEGINNING; thence west along said south line of Meeker Ave., 1659.3 feet, more or less to the easterly line of the road, 40 feet in width, conveyed to King County by deed dated March 7, 1905; thence southeasterly along said easterly line of the road, 873 feet to a point on the right bank of the White River; thence continuing on the same course 50 feet, more or less, to the intersection of the easterly line of said road with the water line of the right bank of the White River, thence easterly along said water line 504 feet; thence north 50 feet, more or less, to said right bank of the White River; thence continuing on the same course north 35.3 feet to the northwest corner of the tract of land conveyed to Elizabeth Steward Robb by deed recorded under Auditor's File No. 629615; thence east 996.8 feet, more or less, to a point 30 feet west of the west line of the Thompson Donation Claim; thence north parallel with said west line 758.55 feet to the True Point of Beginning: EXCEPT any portion thereof lying below the line of ordinary high water of the White River, ALSO EXCEPT land condemned in King County Superior Court Cause No. 115085 on the south side of Meeker Avenue.