AN ORDINANCE of the City of Kent, Washington relating to Planning and Property; rezoning, with conditions, approximately 74.07 acres located south of S. 212th Street between Russell Road and proposed 64th Avenue South from MA, Industrial Agricultural, to MI, Industrial Park. (Pacific Industrial Concepts Rezone; No. RZ-82-4).

WHEREAS, an application for rezone was filed on November 24, 1982 for the property described on Exhibit A, attached hereto and by this reference incorporated herein; and

WHEREAS, the subject rezone concerns the request by Pacific Industrial Concepts to rezone the subject property from MA, Industrial Agricultural, to MI, Industrial Park. Said property is located south of S. 212th Street between Russell Road and the proposed 64th Avenue South; and

WHEREAS, a Declaration of Nonsignificance was filed by the Planning Department on February 11, 1983; and

WHEREAS, a public hearing was held before the Hearing Examiner of the City of Kent on January 16, 1985; and

WHEREAS, the Hearing Examiner issued FINDINGS AND RECOMMENDATIONS OF THE HEARING EXAMINER FOR THE CITY OF KENT on January 30, 1985, and recommended that the rezone be approved with conditions; and

WHEREAS, the City Council on February 19, 1985 adopted the FINDINGS AND RECOMMENDATIONS OF THE HEARING EXAMINER and approved the rezone by motion, with conditions recommended by the Hearing Examiner, those conditions being:

1. The applicant shall enter into an agreement with the City to maintain all landscape buffer strips within the City right of way. Such agreement shall be approved by the Public Works Department.
2. Deed to the City, for street and utility purposes the easterly 100 feet of the subject property. If, at the time of development, 100 feet is not needed to construct proposed 64th Avenue S. and the North/South Drainage Facilities, then any excess right of way shall be deeded back to the grantor of said property.

3. The applicant shall grant to the City an easement for utility purposes over the southerly 65 feet of the easterly 415 feet of the subject property. Should an L.I.D. be formed for the construction of the Valley Studies N/S Drainage Channel and Detention System, the value of the property deeded herein shall be credited against the respective L.I.D. assessment; excluded therefrom, however, shall be that property relating to the easterly 40 feet of the rezone application property. Said 40 feet pertains to that equivalent right of way required for 64th Avenue S. However, the Public Works Department may revise the above in order to conform with an approved street and utility plan for the N/S Drainage Channel and 64th Avenue S.

4. Execute a No-Protest L.I.D. Covenant for the following improvement projects:

   A. Valley Studies N/S Drainage Channel and Detention System.

   B. Construction of cement concrete sidewalks on S. 212th Street.

   C. The improvement of 64th Avenue with asphalt concrete pavement, cement curbs and gutters, cement concrete sidewalks (both sides), storm drainage, street lighting and other related appurtenances.

   D. The construction of the realigned Russell Road with asphalt concrete pavement, cement concrete curb and gutter, cement concrete sidewalks (both sides), storm drainage, street lighting and other related appurtenances.
5. Execute an agreement with the City to participate in the cost of constructing a traffic signal at the intersection of 64th Avenue S. and S. 212th Street and to upgrade the existing traffic signal at the intersection of S. 212th Street and the realigned Russell Road when the improvements become warranted as determined by the City. Once signal warrants are met at the above noted intersections, no additional building permits will be issued within the rezone property until said improvements are made.

6. Prior to or in conjunction with the issuance of any development permit for the subject property, the following improvements shall be constructed or L.I.D.'s shall be formed for the construction of conditions 4.B., 4.C., and 4.D. above. In addition, the applicant shall:

   A. Deed to the City for street purposes that property 70 feet in width corresponding to the right of way for the realignment of Russell Road. The exact alignment shall be approved by the City Engineering Department but its northerly terminus shall be the intersection point of the center line of S. 212th Street with the southerly extension of the center line of the westerly Boeing driveway entrance onto S. 212th Street.

   B. Where the subject property abuts the existing Russell Road, deed to the City any and all rights to that strip of property lying within a line 30 feet east of the center line of the existing pavement of said road on the east and the normal high water line of the Green River on the west for the entire rezone frontage thereon. Provide to the City an asbuilt survey of said pavement and respective center line by a Washington State licensed surveyor.

7. Upon development, the subject property shall be constructed in accordance with all applicable regulations outlined in the Valley Studies Program. These regulations include the following:

   A. Designate a 200 foot buffer strip or equivalent around the perimeter of the City lagoon in Site L-15 to be preserved and managed to support wildlife habitat, specifically
migrating waterfowl. This buffer strip may be used to accommodate the main trunk channel for surface water management.

B. Prior to permit issuance, the applicant shall dedicate the 200 foot shoreline area to the City. Such a dedication would be done prior to permit issuance for any development adjacent to the shoreline area.

NOW THEREFORE,

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

Section 1. The FINDINGS AND RECOMMENDATIONS OF THE HEARING EXAMINER OF THE CITY OF KENT are hereby adopted as the findings and conclusions of the City Council of the City of Kent.

Section 2. The land described on attached Exhibit A, situate in the City of Kent, County of King, State of Washington, and presently zoned MA, Industrial Agricultural is hereby rezoned to MI, Industrial Park.

Section 3. The rezone is subject to and expressly conditioned upon the following:

1. The applicant shall enter into an agreement with the City to maintain all landscape buffer strips within the City right of way. Such agreement shall be approved by the Public Works Department.

2. The applicant shall deed to the City for street and utility purposes the easterly 100 feet of the subject property. If, at the time of development, 100 feet is not needed to construct proposed 64th Avenue S. and the North/South Drainage Facilities, then any excess right of way shall be deeded back to the applicant, or its successor in interest.

3. The applicant shall grant to the City an easement for utility purposes over the southerly 65 feet of the easterly 415 feet of the subject property. Should an L.I.D. be formed for
the construction of the Valley Studies N/S Drainage Channel and Detention System, the value of the property deeded herein shall be credited against the respective L.I.D. assessment; excluded therefrom, however, shall be the easterly forty (40) feet of the subject property and no credit shall be given for the grant of the easterly 40 feet of the subject property. Said 40 feet pertains to that equivalent right of way required for 64th Avenue S. However, the Public Works Department may revise the above requirement in order to conform with an approved street and utility plan for the N/S Drainage Channel and 64th Avenue S.

4. The applicant shall execute a No-Protest L.I.D. Covenant for the following improvement projects:

   A. Valley Studies N/S Drainage Channel and Detention System.

   B. Construction of cement concrete sidewalks on S. 212th Street.

   C. The improvement of 64th Avenue with asphalt concrete pavement, cement curbs and gutters, cement concrete sidewalks (both sides), storm drainage, street lighting and other related appurtenances.

   D. The construction of the realigned Russell Road with asphalt concrete pavement, cement concrete curb and gutter, cement concrete sidewalks (both sides), storm drainage, street lighting and other related appurtenances.

5. The applicant shall execute an agreement with the City to participate in the cost of constructing a traffic signal at the intersection of 64th Avenue S. and S. 212th Street and to upgrade the existing traffic signal at the intersection of S. 212th Street and the realigned Russell Road when the improvements become warranted as determined by the City. Once signal warrants are met at the above noted intersections, no additional building permits will be issued within the rezone property until said improvements are made.
6. Prior to or in conjunction with the issuance of any development permit for the subject property, the following improvements shall be constructed or L.I.D.'s shall be formed for the construction of conditions 4.B., 4.C., and 4.D. above. In addition, the applicant shall:

   A. Deed to the City for street purposes that property 70 feet in width corresponding to the right of way for the realignment of Russell Road. The exact alignment shall be approved by the City Engineering Department but its northerly terminus shall be the intersection point of the center line of S. 212th Street with the southerly extension of the center line of the westerly Boeing driveway entrance onto S. 212th Street.

   B. Where the subject property abuts the existing Russell Road, deed to the City any and all rights to that strip of property lying within a line 30 feet east of the center line of the existing pavement of said road on the east and the normal high water line of the Green River on the west for the entire rezone frontage thereon. Provide to the City an asbuilt survey of said pavement and respective center line by a Washington State licensed surveyor.

7. Upon development, the subject property shall be constructed in accordance with all applicable regulations outlined in the Valley Studies Program. These regulations include the following:

   A. Designate a 200 foot buffer strip or equivalent around the perimeter of the City lagoon in Site L-15 to be preserved and managed to support wildlife habitat, specifically migrating waterfowl. This buffer strip may be used to accommodate the main trunk channel for surface water management.

   B. Prior to permit issuance, the applicant shall dedicate the 200 foot shoreline area to the City. Such a dedication would be done prior to permit issuance for any development adjacent to the shoreline area.
Section 4. 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 2 of this ordinance.

Section 5. That upon said amendment being shown upon the comprehensive zoning map of the City of Kent, or upon an addendum thereto, that 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 is hereby authorized and directed to record this ordinance with the County Auditor of King County and pay the filing fee therefor.

Section 6. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval, and publication as provided by law.

DAN KELLEHER, MAYOR

ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

P. STEPHEN DIJULIO, CITY ATTORNEY

PASSED the 21st day of January, 1986.
APPROVED the 23rd day of January, 1986.
PUBLISHED the 16th day of January, 1986.
I hereby certify that this is a true copy of Ordinance No. 2604, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, CITY CLERK
PARCEL A

That portion of Government Lots 1 and 2 in the NW 1/4 of Section 11, Township 22 N, Range 4 E, W.M. and of the West half of the Northeast quarter of Section 11, Township 22 North, Range 4 East W.M., described as follows:

Beginning at a point on the North line of the tract of land conveyed to Martin Cummings, by deed recorded in Volume 27 of deeds, page 683, under Recording No. 2058, which point is 11.88 feet West of the stone monument set for the Northeast corner of said Cummings tract; thence West along the North line of said Cummings tract 895.3 feet to the Easterly line of drainage ditch right of way for the True Point of Beginning of this description; thence continuing along the North line of said Cummings tract 532.94 feet, more or less, to a Southeasterly corner of the tract of land conveyed to Thomas Sharkey Estate Inc., a Washington corporation, by deed recorded in Volume 1529 of deeds, page 221, under Recording No. 2727032; thence North along the boundary of said Sharkey tract 372.9 feet; thence Easterly along the boundary of said Sharkey tract 102.96 feet to an angle point in said boundary; thence continuing Easterly along said boundary to its intersection with the said Easterly line of drainage ditch right of way; thence Southerly along said Easterly line of drainage ditch right of way to the true point of beginning; EXCEPT county road and drainage ditch; AND EXCEPT any portion that may lie North of the Southerly line of County Road No. 22.

PARCEL B

That portion of Government Lot 2, and the Northeast quarter of Section 11, Township 22 North, Range 4, East W.M. described as follows.

Beginning at the Southwest corner of said Government Lot 2; thence North 12.40 chains (818.40 feet) to the East bank of the White River; thence along said East bank North 30°00'00" East 3.10 chains (204.60 feet); thence East 38.36 chains (2,531.76 feet) to the NE corner of the Cummings tract; thence South 15.08 chains (995.28 feet) to the Southeast corner of Benson Farm; thence West 40 chains (2,640 feet) to the point of beginning; EXCEPT Roads.

PARCEL C

That portion of Government Lot 3 in the NW 1/4 of Section 11, Township 22 North, Range 4 East, W.M. described as follows:

Beginning at the southeast corner of said Government Lot 3 and running; thence North along the East line of said Government Lot 607.24 feet; thence West to a point on the edge of the bank of White River; thence South along the River to a point lying N 49°00'00" W of the point of beginning; thence S 49°00'00" E to the Point of Beginning.
EXCEPT any portion lying with Russell Road S.

PARCEL D

That portion of Government Lot 3 in the NW 1/4 of Section 11, Township 22 North, Range 4 E, W.M. in King County, WA described as follows:

Beginning at the southeast corner of said Government Lot 3; thence N 49°00'00" W to the southeasterly bank of the White River; thence south along said River to the south line of Government Lot 3; thence east along said south line to the Point of Beginning.
EXCEPT any portion lying within Russell Road S.
PARCEL E

That portion of the SW 1/4 of Section 11, Township 22 North, Range 4 E., W.M. in King County, WA described as follows:

Beginning at a point on the north line of Government Lot 4 lying 450.00 feet east of the west line of Section 11; thence southerly along White River 71.28 feet; thence south 99.66 feet; thence east 531.30 feet; thence north 165.66 feet; thence west 504.90 feet to the Point of Beginning.

EXCEPT any portion lying within Russell Road S.

PARCEL F

That portion of the NE 1/4 of Section 11, Township 22 N, Range 4 E, W.M. in King County, WA described as follows:

Beginning at a point which is 11.88 feet West of a stone set for a Northeast corner of the land of Martin Cummings, which said stone is described as being 995.28 feet North and 1,320 feet West of the quarter section corner between Sections 11 and 12, Township 22 North, Range 4 East, W.M.; thence West 895.3 feet to the East line of a ditch right of way; thence Northeast along said East line of said ditch right of way, 359.2 feet to the South line of the county road; thence along the said South line of said county road North 89°00' East 285.1 feet; thence South 86°45 East 479.5 feet; thence South 298.32 feet to the point of beginning;

EXCEPT any portion lying within Public Roads.

SITUATE IN THE CITY OF KENT, COUNTY OF KING, STATE OF WASHINGTON.