AN ORDINANCE of the City of Kent, Washington relating to Planning and Property; amending Ordinance 2604 which rezoned, 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 Ml, Industrial Park; deleting one such condition. (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 Ml, 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, but deleted condition 7.B., to wit:

"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."; and
WHEREAS, Ordinance 2604 inadvertently contained said condition 7.B.; NOW THEREFORE,

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

Section 1. Section 1 of Ordinance 2604 is amended as follows:

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, PROVIDED, however, condition 7.B is not adopted and is hereby deleted.

Section 2. Section 3 of Ordinance 2604 is amended as follows:

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 as-built 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 3. 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.

3580-140

DAN KELLEHER, MAYOR

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ATTEST:

[Signature]
MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

P. STEPHEN DIJULIO, CITY ATTORNEY

PASSED the _____ day of May, 1986.
APPROVED the _____ day of May, 1986.
PUBLISHED the _____ day of May, 1986.

I hereby certify that this is a true copy of Ordinance No. 3136, 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

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