

**Corrected Property Use and Development Agreement**

<i>When Recorded, Return to:</i>	
<b>THE CITY CLERK</b> 600 Fourth Avenue, Floor 3 PO Box 94728 Seattle, Washington 98124-4728	

**PROPERTY USE AND DEVELOPMENT AGREEMENT**

<b>Grantor(s):</b>	(1)	Capitol Hill / First Hill Development, LLC	(2)
<input type="checkbox"/> Additional grantors on page ____			
<b>Grantee:</b>	(1)	The City of Seattle	
<input type="checkbox"/> Additional on page ____			
<b>Legal Description</b> <i>(abbreviated if necessary):</i>	See Attachment A		
<input type="checkbox"/> Additional legal description on page:			
<b>Assessor's Tax Parcel ID #:</b>	3927400051, 3927400045, 4226900125, 4226900105, 4226900095, 4226900110, 4226900085, 4226900070, 4226900005, 4226900015, 4226900019, 4226900020		
<b>Reference Nos. of Documents Released or Assigned:</b>			

THIS CORRECTED PROPERTY USE AND DEVELOPMENT AGREEMENT (the "Agreement") is executed this \_\_\_\_ day of \_\_\_\_, 2017, in favor of the CITY OF SEATTLE

(the "City"), a Washington municipal corporation, by Capitol Hill / First Hill Development, LLC (the "Owner").

## RECITALS

A. Capitol Hill / First Hill Development, LLC is the owner of that certain real property (the "Property") in the City of Seattle, which is legally described in Attachment A.

B. On September 5, 2017, the Seattle City Council passed Ordinance 125394, which rezoned a portion of the Property from Lowrise 3 (LR 3) multifamily residential to Neighborhood Commercial 3 with a 65-foot height limit (NC3 65) and accepted a Property Use and Development Agreement ("PUDA") in connection with the rezone. The PUDA was recorded under King County recording number 20171005000927. The portion of the Property that was rezoned pursuant to Ordinance 125394 is shown on Attachment B.

C. A condition in the PUDA accepted by Ordinance 125394 erroneously applied the requirements of Seattle Municipal Code Chapters 23.58.B and 23.58C to all of the Property, instead of just the portion of the Property that was rezoned.

NOW, THEREFORE, in consideration of the mutual agreements contained herein, the parties agree as follows:

## AGREEMENT

**Section 1. Corrected Conditions.** Section 1 of the PUDA accepted by Ordinance 125394 is stricken and replaced with the following language:

**Section 1. Agreement.** Pursuant to Seattle Municipal Code Section ("SMC") 23.34.004, the Owner hereby covenants, bargains and agrees, on behalf of itself and its successors and assigns, that it will comply with the following conditions in consideration of the rezone of a portion of the Property from LR3 to NC3 65:

- (a) Future development of the Property is restricted to a project that complies with Master Use Permit (MUP) #3018576, once the Seattle Department of Construction and Inspections (SDCI) issues that MUP. Prior to issuing the MUP, SDCI must confirm that the drawings substantially comply with the conditions established during the design review process, including the structure design and location on the site, structure height, building materials, landscaping, street improvements, parking design, signage and site lighting.
- (b) The provisions of Seattle Municipal Code Chapters 23.58B and 23.58C shall apply to the portion of the Property rezoned from LR 3 to NC3 65, as shown on Attachment B (the "Rezone Area"). For purposes of application of those Chapters, future development in the Rezone Area shall be subject to the following performance or payment requirements:

- For Chapter 23.58B, 8% per square foot for the performance option or \$12.75 per square foot for the payment option; and
- For Chapter 23.58C, 10% of units for the performance option or \$29.75 per square foot for the payment option.

**Section 2.** All terms and conditions of the PUDA accepted by Ordinance 125394 that are not changed by this Agreement remain valid.

DRAFT

SIGNED this \_\_\_\_ day of \_\_\_\_, 2017.

Capitol Hill / First Hill Development,

a Washington limited liability company

By: \_\_\_\_

Its: Managing Member

On this day personally appeared before me \_\_\_\_\_, to me known to be the Managing Member, of Capitol Hill / First Hill Development, a Washington limited liability company that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such limited liability company, for the uses and purposes therein mentioned, and on oath stated that he was duly authorized to execute such instrument.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this \_\_\_\_ day of \_\_\_\_, 2017.

		Printed Name _____
		NOTARY PUBLIC in and for the State of Washington, residing at _____
		My Commission Expires _____
STATE OF WASHINGTON	}	ss.
COUNTY OF KING		

ATTACHMENT A

Assessor's Parcel Number	Legal Description
3927400051	<p>KOLLOCKS ADD N 82.8 FT OF W 40 FT OF 8 &amp; N 98.8 FT OF 9-10-11 LESS ST</p> <p>Plat Block: 1</p> <p>Plat Lot: 8-9-10-11 at Block: 1</p>
3927400045	<p>KOLLOCKS ADD</p> <p>Plat Block: 1</p> <p>Plat Lot: 7</p>
4226900125	<p>LAWLERS ADD LOT 16 LESS ELY 12 FT THOF</p> <p>Plat Block: 1</p> <p>Plat Lot: 16</p>
4226900115	<p>LAWLERS ADD WLY 18 FT OF 15 &amp; ELY 12 FT OF 16 ALSO POR OF E 24 FT OF N 76 FT OF LOT 15 DAF BAAP ON N LN SD LOT 15 DIST 21 FT W OF NE COR TH W ALG SD N LN 3 FT TH S ALG W LN OF SD E 24 FT 76 FT TH E ALG S LN OF SD N 76 FT 2.37 FT TH NLY 76.1 FT M/L TO BEG</p> <p>Plat Block: 1</p> <p>Plat Lot: 15-16</p>
4226900105	<p>LAWLERS ADD POR BEG C/L OF 4 FT CONCRETE WALKWAY 28.5 FT M/L W OF NE COR OF W 33 FT OF LOT 14 TH S ALG SD C/L 75 FT M/L TAP 44 FT N OF S LN OF SD LOT 14 TH W 28.5 FT M/L TO W LN OF E 24 FT OF SD LOT 15 TH N 76 FT M/L TO N LN OF SD LOT 15 TH E ALG N LN OF LOTS 15-14 DIST 28.5 FT M/L TO BEG LESS BEG AT NE COR OF ABOVE TRACT TH W ALG N LN THOF 25.5 FT TO TPOB TH CONTG W 3 FT TO NW COR THOF TH S ALG W LN SD TRACT 76 FT TO SW COR THOF TH E ALG S LN SD TRACT 2.37 FT TH NLY 76.1 FT M/L TO TPOB</p>

Assessor's Parcel Number	Legal Description
	Plat Block: 1 Plat Lot: 14-15
4226900095	LAWLERS ADD POR BEG NXN OF N LN SD LOT 14 & C/L OF 4 FT CONCRETE WALKWAY WCH PT IS 28.5 FT M/L W OF NE COR OF W 33 FT OF SD LOT TH S ALG C/L OF WALKWAY 76 FT M/L TAP 44 FT N OF S LN OF SD LOT THE 28.5 FT M/L TO E LN OF W 33 FT OF SD LOT TH N 76 FT M/L TO NE COR OF W 33 FT OF SD LOT TH W ALG SD N LN 28.5 FT M/L TO BEG Plat Block: 1 Plat Lot: 14
4226900110	LAWLERS ADD S 44 FT OF W 33 FT OF 14 & S 44 FT OF E 24 FT OF 15 Plat Block: 1 Plat Lot: 14-15
4226900085	LAWLERS ADD W 39 FT OF 13 & E 9 FT 14 Plat Block: 1 Plat Lot: 13-14
4226900070	LAWLERS ADD LOT 12 TGW E 3 FT OF 13 Plat Block: 1 Plat Lot: 12-13
4226900005	LAWLERS ADD Plat Block: 1 Plat Lot: 1-2

<b>Assessor's Parcel Number</b>	<b>Legal Description</b>
4226900015	LAWLERS ADD Plat Block: 1 Plat Lot: 3
4226900019	LAWLERS ADD Plat Block: 1 Plat Lot: 4
4226900020	LAWLERS ADD W 40 FT Plat Block: 1 Plat Lot: 5

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