RESOLUTION NO. 15-0322

A RESOLUTION OF THE EDGEWOOD CITY COUNCIL AUTHORIZING CONTINGENT TERMINATION AND RELEASE OF THE 2007 NORTH MERIDIAN PLACE, LLC / ROBERT J. KNUTSEN DEVELOPMENT AGREEMENT; ENTERING SUPPORTIVE FINDINGS; PROVIDING DIRECTION AND AUTHORIZATION TO THE CITY MANAGER; EXPRESSLY RESERVING THE CITY’S REGULATORY AUTHORITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in accordance with Chapter 36.70B RCW, the City executed a development agreement with North Meridian Place, LLC and Robert J. Knutsen, as his separate estate, dated July 27, 2007 (the “2007 Development Agreement”) concerning certain real property comprised of approximately 28.2 acres described therein and located generally at 1927 Meridian Avenue East (“the Property”); and

WHEREAS, the 2007 Development Agreement was intended primarily to ensure development of the Property in conformance with the local land use and zoning regulations in effect at that time, as well as to ensure the configuration, dedication and funding of certain public infrastructure associated with the Property; and

WHEREAS, the Property has not been developed since the 2007 Development Agreement was executed, and has since been transferred to one or more new landowners; and

WHEREAS, since the 2007 Development Agreement was executed, the City has comprehensively overhauled its land use and zoning regulations; and

WHEREAS, a current owner of the Property has requested termination of the 2007 Development Agreement in order to facilitate development of the Property consistent with the City’s current regulatory framework; and

WHEREAS, after due consideration, the City Council has determined to authorize the City Manager to terminate and release the 2007 Development Agreement subject to the contingencies set forth herein;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON HEREBY RESOLVES AS FOLLOWS:

Section 1. Findings. The above recitals are hereby adopted by reference as findings in support of this resolution. The City Council further finds as follows:

A. The City has a strong interest in ensuring that new development within the Edgewood community satisfies and is in full compliance with current land use and zoning regulations.
B. Termination of the 2007 Development Agreement will serve the public interest by ensuring such regulatory compliance, facilitating the City’s review and processing of development permit applications with respect to the Property, removing an obsolete constraint from the title of the Property, and clarifying the current landowners’ development rights and restrictions.

Section 2. Termination and Release of Development Agreement; Signatory Authority. The City Manager is hereby authorized to negotiate and execute on the City’s behalf an instrument in a form approved by the City Attorney terminating and releasing the City’s interest in the 2007 Development Agreement, subject to the contingencies set forth in Section 3.

Section 3. Conditions Precedent to Termination and Release of Development Agreement. The City Manager’s execution of the termination and release instrument referenced in Section 2 is expressly contingent upon satisfaction, in the City Manager sole discretion, of the following conditions:

3.1 Negotiation and execution of a binding agreement with one or more owners of the Property providing for:

(i) The dedication of a public road segment, approximately 400 feet in length and 30 feet in width, in the location depicted in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full, for future roadway purposes;

(ii) A full reservation of the City’s regulatory authority and police power;
and

(iii) Any and all other provisions deemed necessary or appropriate in the City Manager’s sole discretion.

Said agreement shall be presented to the City Council for ratification prior to its entry into force.

3.2 The written consent of all parties legally required for binding execution of the termination and release instrument.

Section 4. Reservation of Authority. Nothing herein shall be construed as waiving, abridging or otherwise limiting the City of Edgewood’s regulatory authority and/or police power. Any future development and use of the Property shall comply fully with all applicable development standards, permitting requirements and procedures. Without limitation of the foregoing, any future residential development of the Property shall be subject to, and in full accordance with, all current regulations governing the subdivision, site development, building permit, and SEPA review processes, respectively.
Section 4. Effective Date. This resolution will take effect immediately upon passage by the City Council.

RESOLVED this 13th day of January, 2015.

APPROVED:

Mayor

ATTEST/AUTHENTICATED:

Jane Montgomery, City Clerk

FILED WITH THE CITY CLERK: 1-13-15
PASSED BY THE CITY COUNCIL: 1-13-15
RESOLUTION NO. 15-0325
Exhibit A