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02/24/04

ORDINANCE NO. 2201

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, SPECIFYING THE CONDITIONS UNDER WHICH THE CITY AND QUADRANT CORPORATION MAY BE REIMBURSED FOR PARTICIPATION IN THE CONSTRUCTION OF IMPROVEMENTS TO UNION HILL ROAD PURSUANT TO RCW 35.72.050; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, the City of Redmond, King County, the Quadrant Corporation ("Quadrant") and Port Blakely Tree Farms entered into that certain Settlement Agreement Regarding Novelty Hill Urban Planned Developments dated March 5, 1997 and filed for recording in King County under King County Recording No. 9705201514 ("the 1997 Settlement Agreement"), and

WHEREAS, the City of Redmond, King County, the Quadrant Corporation, and Trilogy at Redmond Ridge, LLC ("Trilogy LLC") recently entered into that certain First Amendment to Settlement Agreement Regarding Novelty Hill Urban Planned Developments filed for recording in King County under King County Recorder No. 20040127002221 ("the 2004 Amendment"), and

WHEREAS, the 1997 Settlement Agreement provided for Quadrant and Port Blakely Tree Farms to reconstruct a portion of Union Hill Road between 178<sup>th</sup> Place NE and 188<sup>th</sup> Avenue NE ("the 178<sup>th</sup>/188<sup>th</sup> Union Hill Road Project") within the Redmond city limits as part of agreed-upon mitigation of traffic impacts for certain developments known as the Novelty Hill UPDs, and

WHEREAS, the 1997 Settlement Agreement also provided for a certain portion of the costs incurred by Quadrant and Port Blakely Tree Farms in reconstructing the 178<sup>th</sup>/188<sup>th</sup> Union Hill Road Project to be reimbursed by subsequent developers pursuant to Chapter 35.72 RCW, and

WHEREAS, the 2004 Amendment provides for the City of Redmond to assume responsibility for the actual reconstruction of the 178<sup>th</sup>/188<sup>th</sup> Union Hill Road Project and to accept the sum of \$3,100,000 from Quadrant and Trilogy LLC to be used for such reconstruction, and

WHEREAS, the 2004 Amendment also provides for a certain portion of the amount contributed by Quadrant and Trilogy LLC toward reconstructing the 178<sup>th</sup>/188<sup>th</sup> Union Hill Road Project to be reimbursed by subsequent developers pursuant to Chapter 35.72 RCW, and

WHEREAS, RCW 35.72.050 authorizes reimbursement under the circumstances contemplated by the 2004 Amendment if the city has specified the conditions of the parties' participation in the street project by ordinance, and

WHEREAS, in order to fulfill its obligations under the 2004 Amendment and to comply with RCW 35.72.050, the City Council has determined to enact this ordinance, now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO  
ORDAIN AS FOLLOWS:

**Section 1. Conditions of Participation.** Pursuant to RCW 35.72.050, the City of Redmond, the Quadrant Corporation, and Trilogy LLC shall participate in the financing and construction of the 178<sup>th</sup>/188<sup>th</sup> Union Hill Road Project as provided in the 1997 Settlement

Agreement, as modified by the 2004 Amendment. Quadrant and Trilogy shall be eligible for reimbursement of a portion of their contribution toward the costs of the 178<sup>th</sup>/188<sup>th</sup> Union Hill Road Project as provided in the 1997 Settlement Agreement, as modified by the 2004 Amendment, subject to the completion of the payment schedule, the completion of the Project, and the completion of the assessment reimbursement process set forth in RCW 35.72.050, all as provided in said Agreement and Amendment.

**Section 2.**     **Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 3.**     **Effective Date.** This ordinance, being the exercise of a power specifically delegated to the City's legislative body, is not subject to referendum and shall take effect five (5) days after publication of a summary consisting of the title.

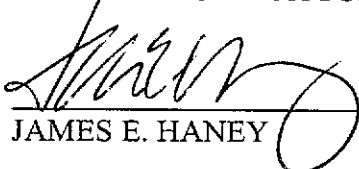
APPROVED:

  
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MAYOR ROSEMARIE M. IVES

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
CITY CLERK BONNIE MATTSON

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY   
\_\_\_\_\_  
JAMES E. HANEY

FILED WITH THE CITY CLERK:	March 10, 2004
PASSED BY THE CITY COUNCIL:	March 16, 2004
PUBLISHED:	March 22, 2004
EFFECTIVE DATE:	March 27, 2004
ORDINANCE NO.: <u>2201</u>	