



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

February 17, 2010

Motion 13150

Proposed No. 2010-0108.2

Sponsors Dunn

1 A MOTION ratifying the First Amendment to
2 Memorandum of Agreement Regarding Joint Planning,
3 Interim Zoning, Preannexation Zoning, and Future
4 Annexation of the Summit Pit Property.

5 WHEREAS, King County, a municipal corporation and political subdivision of
6 the state of Washington (the "county"), the city of Maple Valley (the "city") and Summit
7 Place 156 LLC, a Washington limited liability company ("developer") entered into that
8 certain Memorandum of Agreement dated October 1, 2008, (the "MOA") which provided
9 for a cooperative effort in joint planning, interim zoning, pre-annexation zoning and
10 annexation of the Summit Pit Property (the "property"), and

11 WHEREAS, the MOA included, in Section 9, a waiver of right to submit
12 development applications, and

13 WHEREAS, this waiver or right to submit development applications currently
14 expires on February 20, 2010, and

15 WHEREAS, the MOA required ratification by the King County council, and

16 WHEREAS, the King County council ratified the MOA by Motion 12899, and

17 WHEREAS, the parties to the MOA wish to extend to expiration of the waiver of
18 right to submit development applications and an amendment to the MOA has been
19 prepared to accomplish this extension; this First Amendment to Memorandum of

20 Agreement Regarding Joint Planning, Interim Zoning, Preannexation Zoning, and Future
21 Annexation of the Summit Pit Property is included with this motion as Attachment A to
22 this motion;

23 NOW, THEREFORE, BE IT MOVED by the King County Council:

24 The First Amendment to Memorandum of Agreement Regarding Joint Planning,
25 Interim Zoning, Preannexation Zoning, and Future Annexation of the Summit Pit

- 26 Property, in substantially the same for as included with this motion as Attachment A to
27 this motion, is hereby ratified.

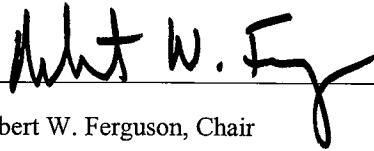
Motion 13150 was introduced on 2/16/2010 and passed as amended by the Metropolitan King County Council on 2/16/2010, by the following vote:

Yes: 6 - Ms. Drago, Mr. von Reichbauer, Mr. Gossett, Ms. Lambert,
Mr. Ferguson and Mr. Dunn

No: 0

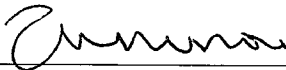
Excused: 3 - Mr. Phillips, Ms. Hague and Ms. Patterson

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Robert W. Ferguson, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments: A. First Amendment to Memorandum of Agreement Regarding Joint Planning, Interim Zoning, Preannexation Zoning, and Future Annexation of the Summit Pit Property, 2-16-10

Attachment A

**FIRST AMENDMENT TO
MEMORANDUM OF AGREEMENT
REGARDING JOINT PLANNING, INTERIM ZONING, PREANNEXATION
ZONING, AND FUTURE ANNEXATION OF THE SUMMIT PIT PROPERTY**

THIS FIRST AMENDMENT TO MEMORANDUM OF AGREEMENT REGARDING JOINT PLANNING, INTERIM ZONING, PREANNEXATION ZONING, AND FUTURE ANNEXATION OF THE SUMMIT PIT PROPERTY (the "Amendment") is made and entered into effective the _____ day of _____, 2010 among KING COUNTY, a municipal corporation and political subdivision of the State of Washington (the "County"), the CITY OF MAPLE VALLEY (the "City") and SUMMIT PLACE 156 LLC, a Washington limited liability company ("Developer").

Whereas the City, County and Developer entered into that certain Memorandum of Agreement dated October 1, 2008 (the "MOA") which provided for a cooperative effort in joint planning, interim zoning, pre-annexation zoning and annexation of the Summit Pit Property, (the "Property"); and

Whereas two parties to the MOA, the County and the Developer have entered into an amendment to the Real Estate Purchase and Sale Agreement; and

Whereas all parties to the MOA have agreed to amend the Section 9 of the MOA "Waiver of Right to Submit Development Applications to extend the expiration of this waiver ;

NOW, THEREFORE, in consideration of the terms and conditions contained herein, the City, the County and the Developer agree that Section 9 of the MOA dated October 1, 2008, is hereby amended to read as follows:

Waiver of Right to Submit Development Applications. The County, in its capacity as owner of the Property, and the Developer, in its capacity as the prospective purchaser of the Property, in consideration of the terms of this Agreement, waive their rights to submit and vest applications for development of the Property for the following time periods. For King County, in its capacity as owner of the Property, this waiver shall expire February 20, 2012. For the Developer, this waiver expires upon annexation of the Property by the City of Maple Valley. For the purposes of this waiver, "applications for development" shall include, but not be limited to, any application for any project permit as that term is defined in RCW 36.70B.020, as well as any land use proposal for legislative action such as a comprehensive plan amendment or area-wide rezone and specifically including an urban planned development application. For the purposes of the Paragraph, Paragraph 8, above, and Paragraph 12, below, the Effective Date shall be the effective date of the County ordinance that authorizes the terms and conditions

Attachment A

set forth in the PSA between the County and the Developer. This waiver shall not apply to the following applications for development of the Property:

- a. Applications for development of the Property that are submitted to the City after annexation; and
- b. Applications submitted by the County for the sole purpose of allowing the County to operate its road maintenance facilities and/or consolidate its road maintenance operations on the Property with the Developer; and
- c. An application for a short subdivision, provided that such an application may be submitted only of the sole purpose of facilitating the phased-takedown closing set forth in the PSA.

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