

**CITY OF MONROE
ORDINANCE NO. 001/2019**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AUTHORIZING THE TERMINATION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MONROE AND SAUVAGE REAL ESTATE, LLC ORIGINALLY APPROVED UNDER ORDINANCE NO. 023/2007; ADOPTING SUPPORTIVE FINDINGS; CONCLUDING THAT SUCH TERMINATION REFLECTS THE CITY'S CURRENT LEGISLATIVE INTENT AND COMMUNITY VISION; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Sauvage Real Estate is and has been the owner of that certain real property located in the City of Monroe, Snohomish County, Washington, which is legally described in Exhibit A, Legal Description of the Property, attached hereto and incorporated herein by this reference as if set forth in full (the "Property"); and

WHEREAS, on August 10, 1994, the City Council passed Ordinance No. 1043 approving a contract rezone for the Property and the associated properties now known as Stanton Meadows, which included restricting type and size of any future development; and

WHEREAS, in 2007, Paul Sauvage submitted a request to amend the comprehensive plan designation of the Property from General Commercial to Professional Office. City Council approved the Professional Office designation under Ordinance No. 016/2007. Upon approval of said ordinance, Sauvage initiated a request to rezone the Property from Service Commercial to Professional Office. The rezone to Professional Office was granted under Ordinance No. 023/2007; however, the City Council restricted the approval by prohibiting residential uses on the Property through a development agreement; and

WHEREAS, in review of Ordinance No. 023/2007, the goal of the rezone was to accommodate the growing professional office and medical uses in the vicinity. Section 3.7 of Ordinance No. 023/2007 states, "Medical and professional uses in the immediate vicinity of the subject property have been increasing and the rezone is necessary to accommodate that demand;" and

WHEREAS, on December 5, 2007, the City of Monroe and Sauvage Real Estate LLC entered into a Development Agreement which was recorded under Snohomish County recording number 200712060282 and is attached at Exhibit B; and

WHEREAS, pursuant to the terms of the Development Agreement, in addition to any existing development standards applicable to the Property at the time of any completed permit application, any development of the Property within the Sauvage Rezone shall not be allowed for residential use; and

WHEREAS, no development has occurred on the Property following execution and recording of the Development Agreement; and

WHEREAS, with the consent and support of Sauvage Real Estate, Rick Hanson of Hanson Homes submitted a request for termination of the Development Agreement to the City of Monroe in December 2018, attached as Exhibit C, stating his intent to purchase and develop the Property for a residential use; and

WHEREAS, the City Council has determined that there is no longer a need for the constraints imposed by the Development Agreement, and therefore termination of the Agreement is appropriate and will advance the public interest by promoting new development in a manner that reflects the City's current legislative intent and community vision; and

WHEREAS, pursuant to Section II(G) of the Development Agreement, the City may unilaterally terminate the Agreement upon thirty days written notice to the property owner; and

WHEREAS, the City provided written notice of termination to Sauvage Real Estate on Dec. 31, 2018; and

WHEREAS, On February 26, 2019, the City Council held a duly-noticed public hearing and following the hearing passed Ordinance No. 001/2019, authorizing termination of the Development Agreement; and

WHEREAS, City staff has reviewed this proposal and determined that it is consistent with all applicable development regulations and City's Comprehensive Plan; and

WHEREAS, The City's SEPA Responsible Official has determined that the proposal will have no adverse impacts and issued a DNS on January 10, 2019, attached as Exhibit D. No comments were received within the comment period; and

WHEREAS, the termination authorized hereunder, together with all documents incorporated herein by reference, has been processed in material compliance with all applicable state and local procedural requirements.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE DO ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council adopts the above recitals, together with the content of Agenda Bill Nos. AB19-038 and AB19-044, as findings in support of this ordinance. Based upon said findings, the City Council concludes that:

- A. The City is authorized to unilaterally terminate the Development Agreement pursuant to Section II(G) thereof.

- B. The Development Agreement is no longer necessary to effectuate the City Council's community vision for the underlying Property.
- C. Termination of the Development Agreement is appropriate and will advance the public interest by promoting new development in a manner that reflects the City's current legislative intent and community vision

Section 2. Termination of Development Agreement. The City Council hereby authorizes the termination of the Development Agreement with Sauvage Real Estate LLC that was originally approved pursuant to Ordinance No. 023/2007. The Mayor is authorized to execute on the City's behalf the Termination and Release of Development Agreement in substantially the form attached hereto as Exhibit E, together with such minor revisions as the Mayor may deem necessary and appropriate.

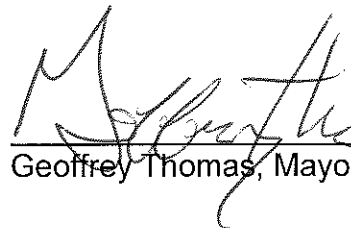
Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or federal law or regulation, such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 20th day of February, 2019.

First Reading: February 12, 2019
 Adoption: February 26, 2019
 Published: March 1, 2019
 Effective: March 6, 2019

CITY OF MONROE, WASHINGTON:



 Geoffrey Thomas, Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:



 Elizabeth M. Adkisson, MMC, City Clerk



 J. Zachary Lell, City Attorney