

G 3.1330

0020.010.051  
JEH/are  
11/08/94

Nintendo Annexation  
ANN 93-002  
Business Park Zoning

ORDINANCE NO. 1818

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, PROVIDING FOR THE ANNEXATION OF CERTAIN REAL PROPERTY LOCATED IN THE OVERLAKE AREA AND COMMONLY KNOWN AS THE NINTENDO ANNEXATION, ANN 93-002, PROVIDING FOR THE SIMULTANEOUS ADOPTION OF BUSINESS PARK (BP) ZONING FOR THE PROPERTY AS PROVIDED IN ORDINANCE 1743, AND ESTABLISHING A DATE UPON WHICH THE ANNEXATION SHALL BECOME EFFECTIVE.

---

WHEREAS, the City of Redmond received a Notice of Intent to Annex certain property commonly known as the Nintendo Annexation and more particularly described on Exhibit A attached hereto and incorporated herein by this reference as if set forth in full, and

WHEREAS, the Notice of Intent was signed by the owners of not less than ten percent (10%) in value, according to the assessed valuation for general taxation, of the property described on Exhibit A, and

WHEREAS, the City Council met with the initiators of the annexation and authorized circulation of an annexation petition subject to certain conditions including adoption of pre-annexation zoning as established by Ordinance 1743 of the City and assumption of a proportionate share of the City's indebtedness, and

WHEREAS, the City subsequently received a petition for annexation meeting these requirements, and containing the signatures of the owners of at least sixty percent (60%) in value, according to the assessed valuation for general taxation, of the

- 1 -

JEH87715.10/P0020.010.051/B0020.90150

41-1

DEC 12 1994

property described on said Exhibit A, and determined that said petition was sufficient to meet the requirements established by the Council, NOW, THEREFORE,

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

Section 1. Annexation. The real property commonly known as the Nintendo Annexation, and more particularly described on Exhibit A attached hereto and incorporated herein by this reference as if set forth in full, should be and hereby is annexed to and made a part of the City of Redmond.

Section 2. Zoning. Pursuant to Ordinance 1743 of the City of Redmond, which established proposed zoning regulations for the area hereby annexed to the City, all property within the territory annexed hereby is zoned Business Park (BP), and the zoning map shall contain a notation that there are conditions attached to the property that must be satisfied when development occurs. All development on the property shall be subject to the conditions set forth on Exhibit B to this ordinance. The Planning Director is hereby instructed to make any necessary changes to the official zoning map of the City in accordance with the zoning established by this section, upon the effective date of the annexation.

Section 3. Indebtedness. Pursuant to the terms of the annexation petition, all property within the territory annexed hereby shall be assessed and taxed at the same rate and on the same basis as property within the City, including assessments for taxes

- 2 -

JEH87715.10/P0020.010.051/B0020.90150

Ordinance No. 1818

41-2


and payment of any bonds issued or debts contracted prior to or existing as of the date of annexation.

Section 4. Submission to Boundary Review Board. The Mayor is hereby authorized to submit all necessary documentation to the Washington State Boundary Review Board for King County in order to gain approval for the annexation provided for in this Ordinance.

Section 5. Duties of City Clerk. After the effective date of the annexation, the City Clerk is hereby directed to file a certified copy of this ordinance with the King County Council, and to file a certificate of annexation with the State Office of Financial Management as directed by RCW 35A.14.700.

Section 6. Effective Date. This ordinance, being the exercise of a power specifically delegated to the legislative body of the City, is not subject to referendum, and shall take effect and be in full force five (5) days after publication of the attached summary, which is hereby approved, provided, that the annexation and zoning provided for in Sections 1 and 2 shall become effective at such time as the Boundary Review Board approves, or is deemed to have approved, annexation of the property described on Exhibit A to the City of Redmond.

CITY OF REDMOND

  
MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:

  
CITY CLERK, DORIS SCHAIBLE

JEH87715.10/F0020.010.051/B0020.90150

- 3 -

41-3

Ordinance No. 1818

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

By: 

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
SIGNED BY THE MAYOR:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO. 1818

December 1, 1994  
December 6, 1994  
December 6, 1994  
December 14, 1994  
December 19, 1994



# NINTENDO PARCEL COMPOSITE LEGAL DESCRIPTION

EXHIBIT A  
Ordinance No. 1818

That portion of Lots 10, 11, and 12, East Side Gardens, according to the plat thereof recorded in Volume 12 of Plats, Page 68, records of King County, Washington and as modified by Affidavit recorded under King County Recording No. 991453 described as follows:

Beginning at an existing concrete monument in case at the northwest corner of Section 14, Township 25 North, Range 5 East, W.M., in King County, Washington, thence S01°17'03"W along the west line of said Section 14 a distance of 1086.27 feet; thence N89°15'52"E 883.60 feet to the common corner of Lots 2, 3, 10, and 11, said Plat of East Side Gardens based on said Affidavit recorded under King County Recording No. 991453, and as shown on the Record of Survey recorded in Volume 49 of Surveys, Page 81, recorded under King County Recording No. 8604109004 and the TRUE POINT OF BEGINNING; thence N89°15'52"E 429.97 feet to the common corner of Lots 3, 4, 9, and 10, of said East Side Gardens, based on said Affidavit and shown on said Record of Survey; thence S01°25'31"W along the common lot line between said Lots 9 and 10 a distance of 293.12 feet to the northwesterly margin of State Road No. 520 as condemned under King County Superior Court Cause No. 750408; thence along the westerly and northerly margin of said State Road No. 520 as condemned under King County Superior Court Cause Numbers 750408, 750409, and 750450 and deeded by instrument recorded under King County Recording No. 7109080132 the following courses and distances: S24°36'04"W 802.42 feet, S87°38'41"W 328.54 feet, N80°58'56"W 90.00 feet, and S09°34'41"W 20.02 feet to the northerly margin of Northeast 51st Avenue as deeded to King County by instruments recorded under Recording Numbers 2711790, 2711791, and 2711792; thence N80°30'57"W along said northerly margin 172.10 feet to an angle point; thence N79°10'57"W along said northerly margin 359.10 feet to the east margin of 148th Avenue NE as condemned under King County Superior Court Cause No. 759796; thence N01°17'03"E along said east margin as condemned and as deeded to King County by instruments recorded under King County Recording Numbers 7210190242, 7211080253, and 7305010234 a distance of 930.01 feet to a point which bears S89°15'52"W from the TRUE POINT OF BEGINNING; thence N89°15'52"E 833.57 feet to the TRUE POINT OF BEGINNING.

**CONTAINING 1,153,331 SQ. FT. OR 26.477 ACRES ±**

# EXHIBIT B

Ordinance No. 1818

## NINTENDO ANNEXATION CONDITIONS OF APPROVAL

### PREFACE

The following agreement between Nintendo of America, Inc. and the City of Redmond specifies conditions which are mutually agreed upon by the parties to facilitate annexation of the property described in Exhibit A. These conditions are patterned after those adopted by the City Council in Ordinance 1743, Redmond West Preannexation Zoning. This agreement is intended to address those impacts which could result from more intensive business park development on the property instead of the residential development originally assumed by the Comprehensive Plan prior to amendment. In addition, portions of this agreement are intended to address pro-rata mitigation intended to offset site generated impacts from additional traffic and other impact resulting from business park development on the site. Eventually, these pro-rata formulas will be replaced with a citywide impact fee system. Given this agreement precedes adoption of an impact fee system, Nintendo will have, at its option, the right to choose either mitigation system.

### CONDITIONS:

1. Provide an average 200 foot buffer but not less than 150 feet along 148th Avenue NE. This measurement will be made from the Redmond West property line as annexed on December 20, 1993. In addition to providing this buffer, the applicant shall pay its fair pro-rata share by percentage of acreage of the approximately 64 acre total. This amount will be approximately \$147,000 of the total \$350,000 and shall be paid at the time of building permit issuance. These funds shall be used specifically to financially assist the City of Redmond in developing the Overlake Park, to be located at the intersection of NE 40th Street and 162nd Avenue NE.
2. Phasing of the development shall not be required. The Nintendo Property may be developed with a maximum of 515,000 square feet of building area with 3 parking stalls per 1,000 square feet.
3. The Nintendo property shall fund its fair pro-rata share contribution towards short-term street improvements as listed in the City of Redmond's Six-Year Transportation Improvement Plan (TIP). For long term impacts, the Nintendo applicant shall fund its fair pro-rata share contribution towards long-term streets improvements identified in the City of Redmond's 15-Year Transportation Facility Plan (TFP). Upon adoption of an updated Bellevue-Redmond-Overlake Transportation Plan (BROTS) (the "Plan"), the fair pro-rata share contribution for short- and long-term impacts shall be adjusted for new projects using the newly adopted physical improvement list.

In conjunction with the first site plan approval for the Nintendo Property, the Nintendo applicant's traffic engineer shall calculate fair pro rata share contributions

meeting the approval of the City, to the short and long-term street improvements for the maximum development potential of 515,000 square feet and their proportionate share of the PM peak hour trips assuming the ITE General Office category, Land Use Code 710 (i.e. 515,000/1,200,000 x 1160 PM peak hour trips).

Commitments for payment shall be made in a form approved by the City Attorney at site plan approval. Actual payments to projects shall occur at the time of building permit and based upon impacts created by the trips associated with the buildings being permitted. The Nintendo property applicant shall post security to guarantee implementation of the improvements. Monies will be dedicated to those improvements which directly benefit the annexation area. These improvements will be constructed within six (6) years of payment of the pro rata amount or returned to Nintendo as specified by State statute.

4. The Nintendo applicant shall work with the City of Redmond to determine the exact location of the main site access in the vicinity of 150th Avenue NE on NE 51st Street and shall complete a signal progression analysis, to be approved by the City of Redmond at site plan approval. In addition, the Nintendo applicant shall be responsible for paying for the installation of a traffic signal and associated street channelization improvements at this location.
5. Prior to issuance of the first site plan approval for the Nintendo Property, Nintendo of America, Inc. shall reach an agreement with Microsoft pursuant to which Nintendo shall reimburse Microsoft for Nintendo's fair share of the cash contribution made by Microsoft, pursuant to Condition 6.A of Exhibit C to City of Redmond Ordinance No. 1736, which contribution covered traffic generated by the Nintendo Property. Nintendo shall be credited by the City for those short term TIP improvements, identified in Condition #3 above, that are funded by the fair share reimbursement to Microsoft (no double jeopardy).

Nintendo shall also contribute an additional \$1.00 per square foot up to \$515,000 to fund transit and mobility related improvements in the Overlake area. This contribution shall be proportionate based on actual building square footage, for those trips above the multifamily level (Nintendo's portion of 525 trips across the 64 acre site) and may be adjusted or removed by the City when the updated Overlake Transportation Plan is adopted.

These dollars shall be payable upon demand by the City of Redmond at time of issuance of building permit. These moneys will be used by the City of Redmond to design, and otherwise facilitate, local improvements that contribute to mobility enhancements which benefit the Nintendo annexation area. Moneys shall not be assigned to the Regional Transit Project (RTP), but may be used as seed moneys to attract specific improvements, or matching funds where appropriate.

6. Internal site roads shall be private. In order to promote mobility, the Nintendo annexation area may connect its internal road system with the Redmond West internal road, provided there is a mutual private access agreement among the parties. The actual location of internal streets shall be determined at the time of site plan review and shall be determined based on site access and building development requirements, and site security needs of the development proposal.
7. A north-south public pedestrian corridor, in addition to the sidewalk along 148th Avenue NE, shall be maintained through the entire 64-acre site as a condition of this agreement. The actual location of the pedestrian corridor shall be determined at time of site plan review and connect to the Redmond West pedestrian corridor. The pedestrian corridor shall be located in the 200 foot buffer along 148th Avenue NE or along the property edge with the SR 520 right-of-way.
8. All subsequent development in the annexation area shall address offsite parking problems resulting from development in the annexation area. Should these private efforts fail to address neighborhood parking issues attributable to the development, Nintendo shall fund ongoing costs of a neighborhood parking control program administered by the City of Redmond or its designee.
9. In addition to the contributions listed above, the Nintendo property applicant shall fund traffic mitigation to the City of Bellevue on an impact fee basis per the most current interlocal agreement between the City of Redmond and the City of Bellevue.

o:\kv\jim\_s\nintran