

City of Blaine
Request for Council Action
Meeting Date: November 23, 2020

Subject: Authorize the City Manager to sign a Revision of Certain Binding Site Plan Conditions and Restrictive Covenants Document

Department: Community Development Services

Prepared By: _____
(Digital Signature)

Agenda Location: Consent Agenda Council Action Unfinished Business

Attachments:

1. Revision of Certain Binding Site Plan Conditions and Restrictive Covenants
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Background/Summary:

The City Council City approved the Gateway North General Binding Site Plan on April 13, 2020, which was subsequently recorded under AFN 2020-0702003 ("Gateway North General Binding Site Plan") and contained conditions and restrictions for the Gateway property owned by the City of Blaine at the southeast corner of the intersection of Hwy 543 and H Street. The property included in the Gateway North General Binding Site Plan was also included in prior approvals, which also had established covenants, conditions, and restrictions affecting the property. The existence of multiple conditions, covenants and restrictions may cause confusion for future development.

In order to clarify which covenants, conditions, and restrictions apply to the property, Community Development Services proposes authorizing the City Manager to sign a document (**Attachment 1**) clarifying the intent of City Council that the most recent approval for the Gateway North General Binding Site Plan on April 13, 2020 would supersede the conditions, covenants and restrictions established by prior approvals for the subject property.

Budget Implications: Current Budget New Budget Request Non-Budgetary

Recommendation: Staff recommends City Council consider **authorizing the City Manager to sign a Revision of Certain Binding Site Plan Conditions and Restrictive Covenants (Attachment 1)**.

Reviewed By:

City Manager _____ Finance Director _____ City Clerk _____
(Digital Signature) (Digital Signature) (Digital Signature)

Filed for Record at Request of:

CHMELIK SITKIN & DAVIS P.S.

Attn: Jon Sitkin

1500 Railroad Avenue

Bellingham, WA 98225

(360) 671-1796

DOCUMENT TITLE(S):

REVISION OF CERTAIN BINDING SITE PLAN CONDITIONS AND RESTRICTIVE COVENANTS

REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED:

AUDITOR'S FILE NOS. 2101102888, 2101202482; 2017-1101141; 2018-1202477; and 2019-0500844; and 2020-0702003

GRANTOR(S) (Last name, First name and MI):

CITY OF BLAINE

GRANTEE(S) (Last name, First name, and MI):

CITY OF BLAINE

ABBREVIATED LEGAL DESCRIPTION (Lot, block, plat or section, township, range):

Gateway North General Binding Site Plan According to the Map Thereof, recorded under Whatcom County Auditor's File Number 2020-0702003

ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER(S):

4001063875220000 and 4001063635250000

REVISION OF CERTAIN BINDING SITE PLAN CONDITIONS AND RESTRICTIVE COVENANTS

The City of Blaine, as the property owner and the applicable local regulatory authority, having approved the a General Binding Site Plan, described below, and subsequent Specific Binding Site Plans related to the General Binding Site Plan, described below, located on land more fully described in the legal description attached as Exhibit "A" (the "Property"); does hereby make the following findings, and take the following actions to clarify the conditions, covenants and restrictions required by the City binding site plan approval apply to the Property.

WHEREAS, the City Council approved the Gateway General Binding Site Plan on September 27, 2010, which was subsequently recorded under AFN 2101102888;

WHEREAS, the City of Blaine subsequently approved four Specific Binding Site Plans (AFN 2101202482; 2017-1101141; 2018-1202477; and 2019-0500844);

WHEREAS, a remainder piece of the original General Binding Site Plan (as depicted on Specific Binding Site Plan #3, recorded under AFN 2018-1202477 and herein referred to as the "Property"); was never included in a subsequent Specific Binding Site Plan;

WHEREAS, the General Binding Site Plan as it applies to the Property exceeded the time limitations established pursuant to BMC 17.64.060 and was determined to be no longer valid;

WHEREAS, the City has sought to prepare for sale and subsequent development those portions of the Property;

WHEREAS, following notice and a public hearing and after compliance with all applicable City regulations and procedures, the City has approved a new General Binding Site Plan as the Gateway North General Binding Site Plan on April 13, 2020 and subsequently recorded under AFN 2020-0702003 ("Gateway North General Binding Site Plan") which includes the Property described as well as adjoining land;

WHEREAS, through the development and recordation of a new General Binding Site Plan for the Property, the Gateway General Binding Site Plan (see AF No. 2101102888) has been replaced with new conditions, covenants and restrictions through the Gateway North General Binding Site Plan (see AFN 2020-0702003);

WHEREAS, while the Property is depicted on Specific Binding Site Plan #3, recorded under AFN 2018-1202477, it is not included in the legal description of that Specific Binding Site Plan #3 and is not subject to the conditions, covenants and restrictions established by Gateway General Binding Site Plan.

NOW THEREFORE, by action of the City Council on the 13th day of April, 2020:

- 1) The covenants, conditions and restrictions of the Gateway General Binding Site (AFN 2101102888) and Specific Binding Site Plan No. 3 (AFN 2018-1202477), as they apply to the Property, are terminated and superseded by the conditions of binding site plan approval for the Gateway North General Binding Site Plan (AFN 2020-0702003). The conditions of the Gateway North General Binding Site Plan apply to the Property described in Exhibit A, attached hereto.

Dated this ____ day of _____, 2020

For CITY OF BLAINE by:

Michael Jones, MPA, City Manager

ATTEST:

Sam Crawford, City Clerk

STATE OF WASHINGTON)
) ss.
COUNTY OF WHATCOM)

On this day personally appeared before me Michael Jones, to me known to be the City Manager for the City of Blaine and on oath verified that he was authorized to execute this document on behalf of the City of Blaine for the uses and purposes therein mentioned.

Given under my hand and official seal this ____ day of _____, 2020.

Print Name: _____
NOTARY PUBLIC in and for the
State of Washington, residing at _____

EXHIBIT A

Gateway North General Binding Site Plan According to the Map Thereof, recorded under
Whatcom County Auditor's File Number 2020-0702003

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