

RESOLUTION NO. 05-399

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON CONFIRMING THE TRANSFER OF DEVELOPMENT RIGHTS AUTHORIZED BY RESOLUTION 193, AND AUTHORIZING THE TDR PROGRAM ADMINISTRATOR TO ISSUE A SPECIAL TRUST DEVELOPMENT RIGHTS CERTIFICATE WHEN APPROPRIATE

WHEREAS, in 1992 the City acquired approximately 14.6 acres of land from Palmer Coking Coal Company in and around Jones Lake that was zoned R-35000, which is a low density residential zone, to be permanently preserved for parks and other open space purposes; and

WHEREAS, the purchase price for said transaction was adjusted so that if the City did adopt a Transferable Development Rights (TDR) Program, then whatever the number of development rights that could be transferred under that program would be retained by Palmer Coking Coal, to be applied on the property owned by the seller and from which the conveyed property was severed; and

WHEREAS, the City's commitment to allow the transfer of said development rights was manifested in Resolution 193; and

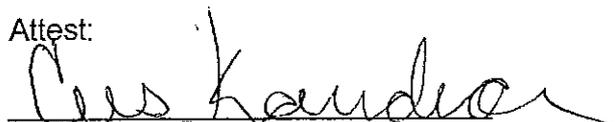
WHEREAS, the Council, by adopting Ordinance 752 in 2003, created the mechanism to allow the transfer of the developments rights to from the conveyed property to the remainder parcel; now therefore,

BE IT RESOLVED that the TDR Program Administrator is hereby authorized to execute a special Development Rights Certificate in substantially the form attached hereto, to be held in trust by the TDR bank, until such time as Palmer Coking Coal requests its application to the property from which the conveyed property was severed.

ADOPTED by the City Council at an open public meeting held on the 8th day of December, 2005.


Howard Botts, Mayor

Attest:


Cris Kandior, City Clerk