

#23
LAWYERS # A 39747

CITY OF MOUNTLAKE TERRACE
23204 - 58th AVE. WEST
MOUNTLAKE TERRACE, WA 98043-4697

AGREEMENT IN LIEU OF CONDEMNATION

WHEREAS, the City of Mountlake Terrace (hereinafter called "City") is in the process of acquiring an additional 6 1/2 feet on each side of 212th Street Southwest in order to provide an additional traffic lane and the undersigned property owner (hereinafter called "Goodnight") is the owner of Parcel 23 (Condemnation designation), one of five parcels included in Goodnight Acres Subdivision, fronting on north side of said street, all in the City of Mountlake Terrace.

NOW, THEREFORE IT IS AGREED:

1. The City shall pay the sum of Two Thousand One Hundred Ninety Six dollars (\$2,196) for the 6 1/2 foot strip across the face of Parcel 23, Goodnight Acres, adjacent to 212th Street Southwest.
2. The City shall initiate and Goodnight shall join with the City in obtaining a 6 1/2 foot rear-yard setback variance (to run with the land without time limitation).
3. The square footage taken across the face of the above property shall be considered as remaining with the subject property for determination of maximum lot coverage and for determination of the maximum number of multiple residences (condominiums or apartments) to be considered in development of the property.

It is understood that under present zoning Goodnight Acres would be subject to a maximum density calculation of 21 units for the five lots combined.

It is understood that the maximum density calculations stated above are not in themselves a guarantee that that number of units would be allowed for construction on each piece of property; but, in no respect, shall the reduced rear-yard availability contribute to a reduction of units as designed.

It is agreed that all of the above terms and conditions constitute essential portions of the consideration for the acquisition of the land by the City and should any of these conditions fail, then Goodnight shall have full recourse to the legal process in the Snohomish County Superior Court to fix monetary damages for the right-of-way acquisition.

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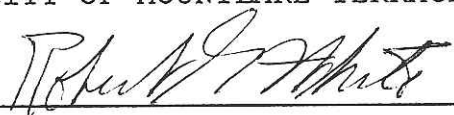
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Agreement In Lieu of Condemnation
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Each party hereto agrees to promptly execute any and all documents necessary to fully effectuate the terms of this Agreement.

Signed this 14 day of December, 1990.

CITY OF MOUNTLAKE TERRACE:


PARCEL 23, GOODNIGHT ACRES BY:
