

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6458

AN ORDINANCE DETERMINING THE
ABANDONMENT OF THE APPEAL OF THE
HEARING EXAMINER'S NOVEMBER 26, 2018
RECOMMENDATION AND DECEMBER 5, 2018
ORDER ON MOTION FOR CLARIFICATION IN THE
MATTER OF THE APPLICATION OF TOLL
BROTHERS, LLP FOR A REZONE OF PROPERTY
AT 15516 NE 15TH PLACE, BELLEVUE
WASHINGTON.

WHEREAS, Toll Brothers, LLP requested a rezone for its property at 15516 NE 15th Place, Bellevue, Washington, which is a Process III decision under the City's Land Use Code; and

WHEREAS, the City Hearing Examiner held a public hearing, in which Kasar Investment Co. LLC and Toll Brothers, LLP participated, and issued a recommendation on November 26, 2018 and an order on a motion for clarification on December 5, 2018; and

WHEREAS, on December 18, 2018, Kasar Investment Co. LLC filed an appeal of the Hearing Examiner's recommendation and order to the Council; and

WHEREAS, the Hearing Examiner's recommendation and order each included a reference to Resolution 9473, which contains the Council's rules of procedure for appeals before the Council; and

WHEREAS, Resolution 9473 was available on the City's web site on and after the date of the Hearing Examiner's recommendation; and

WHEREAS, Section 3 of Resolution 9473 contains a requirement that an appellant order the transcript of the hearing before the hearing body and at the same time post security, within thirty days of the decision which is appealed from; and

WHEREAS, Section 3 of Resolution 9473 states that if appellant fails to post security the appeal shall be considered abandoned; and

WHEREAS, Kasar Investment Co. LLC failed to order the transcript and post security by January 4, 2019, which is thirty days from the date of the Hearing Examiner's order on the motion for clarification; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

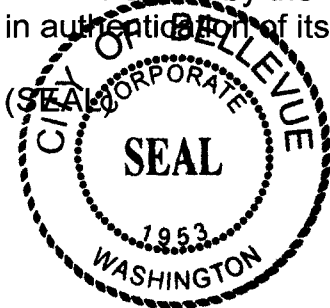
Section 1. Appellant Kasar Investment Co. LLC failed to comply with Section 3 of Resolution 9473 by failing to order the transcript and post security by January 4, 2019.

Section 2. Section 3 of Resolution 9473 is written in mandatory terms and is binding.

Section 3. Therefore, the City Council concludes that Appellant Kasar Investment Co. LLC's appeal is abandoned.

Section 4. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this 18th day of March, 2019 and signed in authentication of its passage this 18th day of March, 2019.



John Chelminiak
John Chelminiak, Mayor

Approved as to form:

Kathryn L. Gerla, City Attorney

Kathryn L. Gerla
City Attorney

Attest:

Chamique Hundert FOR
Kyle Stannert, City Clerk

Published March 21, 2019