

BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of)	
SQUIRE PARK COMMUNITY COUNCIL, et)	FILE NOS. MUP-86-033 (W)
al., and PROVIDENCE MEDICAL CENTER)	MUP-86-034 (W)
From a Decision of the Director of)	APPLICATION NO. 8404179
the Department of Construction and)	STIPULATED SETTLEMENT
Land Use on a Master Use Permit)	AGREEMENT AND ORDER OF
Application)	DISMISSAL

PROVIDENCE MEDICAL CENTER, a division of the Sisters of Providence in Washington, a Washington non-profit corporation ("Providence"); SQUIRE PARK COMMUNITY COUNCIL, an unincorporated community association ("Squire Park"); WILLIAM KNOWLES, JERRY MATSUI, IRENE JEWDOSCHENKO, MABEL YUEN, ERIC GORBMAN, S. and MARY MORITA, and HOWARD W. McCAY (collectively "Appellants"); and THE CITY OF SEATTLE, a municipal corporation ("City") agree and stipulate as follows:

R E C I T A L S

A. On May 26, 1986, the City's Department of Construction and Land Use issued a Decision to grant, subject to conditions, a Master Use Permit ("MUP") for the construction of a Professional Office Building ("POB") within the Providence Major Institution Boundary.

B. By respective Notices of Appeal filed on June 10, 1986, with the Hearing Examiner of the City (the "Appeal"), Providence, Squire Park, and the Appellants appealed the Decision to conditionally grant the MUP for the POB.

1 C. The parties desire to dismiss their respective Ap-
2 peal(s) and, specifically, all issues raised by Squire Park and
3 Appellants in connection with their Appeal, including, without
4 limitation, all issues related to constitutional challenges,
5 desire to agree to bring no further challenge of any issues
6 raised in connection with the Appeal, and desire to agree to not
7 further oppose or impede in any manner development of the POB, in
8 accordance with the conditions and provisions of this Agreement.

9 NOW, THEREFORE, in full and complete settlement of the
10 Appeal and any and all claims thereunder, to fully dismiss,
11 resolve, and settle all disputes thereunder, and in consideration
12 of the mutual promises of the parties hereto and other good and
13 valuable consideration, the receipt of which is hereby acknow-
14 ledged, the parties hereby agree as follows:

15 A G R E E M E N T S

16 1. The parties hereby agree to dismiss the Appeal and all
17 claims and issues raised in the Appeal, and agree to take no
18 further action whatsoever to delay or impede the development of
19 the POB.

20 2. The parties hereby approve the revised conditions
21 Relative to Parking under the MUP approval attached hereto as
22 Exhibit A and incorporated herein by this reference as if fully
23 set forth; and further shall approve all other conditions under
24 the MUP.

25 3. Providence, Squire Park, and the Appellants shall
26 execute the Settlement Agreement and Declaration of Covenants,
27 Conditions and Restrictions (hereinafter "Settlement Agreement")
28 attached hereto as Exhibit B and incorporated herein by this

1 reference as if fully set forth, and shall comply with and be
2 bound by the terms and provisions of the Settlement Agreement.

3 4. Squire Park and Appellants represent, warrant, covenant
4 and agree as follows:

5 (a) that Appellants and Squire Park shall bring no
6 further challenge to any of issues raised by Appellants and
7 Squire Park in connection with the Appeal, including,
8 without limitation, all constitutional issues raised by
9 Squire Park and Appellants in the Appeal; and

10 (b) Squire Park and Appellants shall not challenge or
11 oppose in any way the MUP or any other permits, approvals,
12 or environmental determinations issued for the POB now or at
13 anytime in the future, or take or cause to be taken any
14 other action which would delay or impede development of the
15 POB, or encourage other persons to so oppose, challenge, or
16 delay the development of the POB; and

17 (c) that if any further challenge or action is brought
18 by Squire Park or the Appellants prior to completion of the
19 POB, this Agreement and the Settlement Agreement shall be
20 null and void.

21 5. The parties executing this Agreement acknowledge that
22 they have read the attached Order, agree to its form and content,
23 and hereby waive notice of presentation.
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1 DATED this 28th, day of July, 1986.

2 PROVIDENCE MEDICAL CENTER

3 By [Signature]
4 Its ADJUTANT ATTORNEY

5 SQUIRE PARK COMMUNITY COUNCIL

6 By [Signature]
7 Its PRESIDENT

8 APPELLANTS:

9 William Knowles
10 WILLIAM KNOWLES

11 Jerry Matsui
12 JERRY MATSUI Subject to class action

13 Irene Jewdoschenko
14 IRENE JEWDOSCHENKO

15 Mabel Yuen
16 MABEL YUEN

17 Eric Gorbman
18 ERIC GORBMAN

19 S. Morita
20 S. MORITA

21 Mary Morita
22 MARY MORITA

23 Howard W. McCay
24 HOWARD W. MCCAY subject to clarification letter

25 THE CITY OF SEATTLE

26 By Dennis J. McFaran
27 ASSISTANT CITY ATTORNEY

ORDER

THIS MATTER having come before the Examiner on the foregoing Stipulated Settlement Agreement of the parties attached, and it being stipulated that the above-entitled matter has been fully compromised, now, therefore,

IT IS HEREBY ORDERED that the Appeal shall be and is hereby dismissed with prejudice.

ENTERED this 28th day of July, 1986.

M. Margaret Klockars
M. MARGARET KLOCKARS
Deputy Hearing Examiner
City of Seattle

Presented by:

PHILLIPS & WILSON, P.S.

By John E. Phillips
JOHN E. PHILLIPS
Attorneys for Providence
Medical Center