

Return Address:

City of Black Diamond
PO Box 599
Black Diamond, WA 98010
C/O Brenda Martinez, City Clerk

**20120906000762**

TRIAD ASSOCIAT AMND-RER 79.00
PAGE-001 OF 008
09/06/2012 14:18
KING COUNTY, WA

Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet** (RCW 65.04)

Document Title(s) (or transactions contained therein): (all areas applicable to your document must be filled in)

First Amendment to The Villages MPD Development Agreement

Reference Number(s) of Documents assigned or released:

~~N/A~~

2012 0130 000655

Grantor(s) (Last name, first name, initials)

1. BD Village Partners, LP
2. City of Black Diamond

Grantee(s) (Last name first, then first name and initials)

1. BD Village Partners, LP
2. City of Black Diamond

Legal description (abbreviated: i.e. lot, block, plat or section, township, range) *N/A*

See Exhibit B of The Villages MPD Development Agreement, recorded under King County Recording No. 20120130000655.

Assessor's Property Tax Parcel/Account Number

☐ Assessor Tax # not yet assigned

1121069006, 1121069109, 1521069005, 1521069088, 1521069096, 1521069097, 1521069098, 1521069099, 1521069100, 1521069101, 1521069102, 1521069103, 1521069104, 1521069105, 1521069106, 1521069108, 1521069109, 2221069004, 2221069035, 2221069036, 2221069037, 2221069038, 2221069039, 2221069040, 2221069041, 2221069042, 2221069043, 2221069044, 2221069045, 2221069046, 2221069047, 2221069048, 2221069049, 2221069050, 2221069051, 2221069052, 2221069053, 2321069001, 2321069003, 2321069046, 2321069047, 2321069048, 2321069049, 2321069050, 2321069051, 2321069052, 2321069053, 2321069054, 2321069055, 2321069057, 2321069058, 2321069060, 2321069065, 2721069007, 2721069057, 2721069056

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

Signature of Requesting Party

**FIRST MINOR AMENDMENT TO
THE VILLAGES MPD DEVELOPMENT AGREEMENT**

This First Minor Amendment to The Villages MPD Development Agreement, dated this 22 day of June, 2012 (the "Amendment"), is made by and among the City of Black Diamond, a non charter code city in the State of Washington, operating under the provisions of Chapter 35A RCW ("City") and BD Village Partners, L.P., a Washington limited partnership ("Master Developer") and amends The Villages MPD Development Agreement, entered into on December 12, 2011 (the "Agreement"). The City and Master Developer are collectively referred to herein as the "Parties". Capitalized terms used but not defined herein have the meanings ascribed to them in the Agreement.

RECITALS

- A. WHEREAS, the Parties wish to amend the Agreement as set forth herein to correct the scrivener's error in Table 4-1 of The Villages MPD Development Agreement.
- B. WHEREAS, Section 10.4.2 of the Agreement provides that the final determination regarding whether an Amendment to the Agreement is Minor or Major shall rest with the Designated Official.
- C. WHEREAS, on May 7, 2012, BD Village Partners, LP received a letter from the City's Designated Official, Steve Pilcher, which confirmed that correcting the scrivener's error in Table 4-1 constitutes a Minor Amendment to the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, conditions and agreements of the Parties set forth in the Agreement and herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by all Parties, the Parties agree as follows:

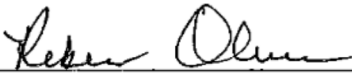
AGREEMENT

- 1. Amendment and Restatement of Table 4-1. The Villages MPD Development Agreement Table 4-1 is replaced and superseded by the amended Table 4-1 that is attached hereto and incorporated by this reference as Exhibit A.
- 2. Continued Effect. All other terms of the Agreement are hereby ratified and confirmed in all respects.
- 3. Counterparts. This Amendment may be executed in counterparts, each of which will be deemed to be an original and all of which together will constitute a single agreement.

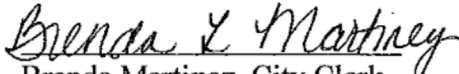
(Signatures appear on the following page)

IN WITNESS OF THEIR AGREEMENT, the Parties have executed this Amendment as of the year and day first above written.


CITY OF BLACK DIAMOND


Rebecca Olness, Mayor

Attest:


Brenda Martinez, City Clerk


Approved as to Form:

 6/21/2012
N/A, City Attorney

BD VILLAGE PARTNERS, L.P., a Washington limited partnership

By: Yarrow Bay Development, LLC, a Washington limited liability company, its General Partner

By: BRNW, Inc., a Washington corporation, its Member

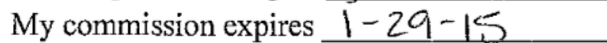
By: 
Brian Ross, President

)

_____, 2012, before me, the undersigned, a Washington, duly commissioned and sworn me to be the President of BRNW, Inc., a C, a general partner of **BD VILLAGE** at executed the foregoing instrument, and free and voluntary act and deed of said mentioned, and on oath stated the he was

I certify that I know or have satisfactory evidence that the person appearing
me and making this acknowledgment is the person whose true signature appears
document.

WITNESS my hand and official seal hereto affixed the day and year in the
ate above written.



My commission expires 1-29-15

)

)

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On this day personally appeared before me Rebecca Dines to me known to be Mayor of the City of Black Diamond, a Washington non charter code city that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that she is authorized to execute said instrument.

GIVEN under my hand and official seal this 26 day of June, 2012.



Rachel Pitze

Rachel J Pitzel

(Print name of notary)

NOTARY PUBLIC in and for the State of

Washington, residing at Black Diamond

My commission expires 8/31/12

EXHIBIT A

Table 4-1

Site Plan Parcel ID	Site Plan Phase	Range of Res'l Units for Parcel ¹	Square Feet Range for Commercial/ Office/Retail on Parcel	Additional Possible Uses ²
V1	1B	46-79	N/A	E, F, G, H, I, J ³
V2	1B	32-54	N/A	E, F, G, H, I, J ³
V3	1B	52-72	N/A	E, F, G, H, I, J ³
V4	1B	18-25	N/A	E, F, G, H, I, J ³
V5	1B	40-93	N/A	E, F, G, H, I, J ³
V6	1B	53-123	N/A	E, F, G, H, I, J ³
V7	1B	N/A	86,000 - 344,000 SF	A, B, C, E, F, G, H ³
V8	1B	N/A	61,000 - 240,000 SF	A, B, C, E, F, G, H ³
V9	1B	N/A	46,000 - 183,000 SF	A, B, C, F, G, H
V10	1A	88-204	N/A	E, F, G, H, I, J
V11	1A	59-106	64,000 – 257,000 SF	A, B, C, F, G, H
V12	1A	99-178	108,000 – 431,000 SF	A, B, C, F, G, H
V13	1A	121-167	N/A	E, F, G, H, I, J
V14	1A	27-63	N/A	E, F, G, H, I, J
V15	1A	7-55	N/A	E, F, G, H, I, J
V16	1A	79-136	N/A	E, F, G, H, I, J
V17	1A	57-132	N/A	E, F, G, H, I, J
V18	1A	115-197	N/A	E, F, G, H, I, J
V19	1A	51-88	N/A	E, F, G, H, I, J
V20	2	29-228	N/A	E, F, G, H, I, J
V21	1A	0-0	N/A	E
V22	2	65-112	N/A	E, F, G, H, I, J
V22-S	2	18-30	N/A	E, F, G, H, I, J
V23	2	14-111	N/A	E, F, G, H, I, J
V24	1A	66-92	N/A	E, F, G, H, I, J
V25	2	77-106	N/A	E, F, G, H, I, J
V26	2	25-34	N/A	E, F, G, H, I, J
V27	2	180-308	N/A	E, F, G, H, I, J
V28	2	178-305	N/A	E, F, G, H, I, J
V29	2	16-127	N/A	E, F, G, H, I, J
V30	2	12-96	N/A	E, F, G, H, I, J
V31	2	91-156	N/A	E, F, G, H, I, J
V32	3	21-29	N/A	E, F, G, H, I, J
V33	3	9-13	N/A	E, F, G, H, I, J
V34	3	127-218	N/A	E, F, G, H, I, J
V35	3	14-24	N/A	E, F, G, H, I, J
V36	3	8-66	N/A	E, F, G, H, I, J

Site Plan Parcel ID	Site Plan Phase	Range of Res'l Units for Parcel ¹	Square Feet Range for Commercial/ Office/Retail on Parcel	Additional Possible Uses ²
V37	3	25-202	N/A	E, F, G, H, I, J
V38	3	20-159	N/A	A, E, F, G, H, I, J
V39	3	13-101	N/A	A, E, F, G, H, I, J
V40	3	48-82	N/A	A, E, F, G, H, I, J
V41	3	109-187	N/A	A, E, F, G, H, I, J
V42	3	55-76	N/A	A, E, F, G, H, I, J
V43	3	8-13	N/A	A, E, F, G, H, I, J
V44	3	15-26	N/A	A, E, F, G, H, I, J
V45	3	18-30	N/A	A, E, F, G, H, I, J
V46	3	8-13	N/A	A, E, F, G, H, I, J
V47	3	35-49	N/A	A, E, F, G, H, I, J
V48	3	23-180	N/A	A, E, F, G, H, I, J
V49	3	7-53	N/A	E, F, G, H, I, J
V50	3	0-0	N/A	E
V51	3	15-121	N/A	E, F, G, H, I, J
V51-S	3	3-20	N/A	E, F, G, H, I, J
V52	3	8-66	N/A	E, F, G, H, I, J
V53	3	11-86	N/A	E, F, G, H, I, J
V54	3	65-112	N/A	E, F, G, H, I, J
V55	3	79-110	N/A	E, F, G, H, I, J
V56	3	22-178	N/A	E, F, G, H, I, J
V57	3	0-0	N/A	E
V58	3	0-0	N/A	E
V59	3	10-83	N/A	E, F, G, H, I, J
V60	3	5-36	N/A	E, F, G, H, I, J
V61	3	25-199	N/A	E, F, G, H, I, J
V62	3	2-15	N/A	E, F, G, H, I, J
V63	3	8-62	N/A	E, F, G, H, I, J
V64	3	3-27	N/A	E, F, G, H, I, J
V65	3	3-25	N/A	E, F, G, H, I, J
V66	3	N/A	82,000 – 326,700 SF	A, B, C, D, E, F, G
V67	3	N/A	130,000 – 522,000 SF	A, B, C, D, E, F, G
V68	1B	N/A	52,000 – 209,000 SF	A, B, C, D, E, F, G
V69	1B	N/A	51,000 – 205,000 SF	A, B, C, D, E, F, G
V70	3	N/A	51,000 – 205,000 SF	A, B, C, D, E, F, G
V71	3	117-162	N/A	E, F, G, H, I, J

1. MPD-L results in 1 – 8 du/acre. MPD-M results in 7 – 12 du/acre. MPD-H results in 13-18 du/acre. MPD-H (18-30) results in 18 – 30 du/acre.
2. Additional uses as described below:
 - A. Neighborhood Commercial – NC (BDMC 18.36.020-030 Exhibit “E”)
 - B. Community Commercial – CC (BDMC 18.38.020-030 Exhibit “E”)

- C. Town Center – TC (BDMC 18.40.020-030 Exhibit “E”)
 - D. Industrial – I (BDMC 18.44.020-030 Exhibit “E”)
 - E. Public – PUB (BDMC 18.46.020-030 Exhibit “E”)
 - F. Accessory Uses and Structures (BDMC 18.030-060 Exhibit “E”)
 - G. Temporary Uses (BDMC 18.52.020-040 Exhibit “E”)
 - H. Home Occupations (BDMC 18.54 Exhibit “E”)
 - I. Accessory Dwelling Units (BDMC 18.56 Exhibit “E”)
 - J. Major and Minor Utility Facilities
3. The identification of these additional possible uses shall not preclude or otherwise conflict with the Enumclaw School District’s intended use of these parcels for a high school, notwithstanding Section 4.4.7 below, should a portion of these parcels be transferred to the Enumclaw School District under the terms of the School Agreement.

**20120906000763**TRIAD ASSOCIAT AMND-RER 79.00
PAGE-001 OF 008
09/06/2012 14:18
KING COUNTY, WA**Return Address:**City of Black Diamond
PO Box 599
Black Diamond, WA 98010
C/O Brenda Martinez, City ClerkPlease print or type information **WASHINGTON STATE RECORDER'S Cover Sheet** (RCW 65.04)**Document Title(s)** (or transactions contained therein): (all areas applicable to your document must be filled in)

Second Minor Amendment to The Villages MPD Development Agreement

Reference Number(s) of Documents assigned or released:~~N/A~~ 20120130 000655**Grantor(s)** (Last name, first name, initials)

1. BD Village Partners, LP
2. City of Black Diamond

Grantee(s) (Last name first, then first name and initials)

1. BD Village Partners, LP
2. City of Black Diamond

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

N/A

See Exhibit B of The Villages MPD Development Agreement, recorded under King County Recording No. 20120130000655.

Assessor's Property Tax Parcel/Account Number☐ Assessor Tax # not yet assigned

1121069006, 1121069109, 1521069005, 1521069088, 1521069096, 1521069097, 1521069098, 1521069099, 1521069100, 1521069101, 1521069102, 1521069103, 1521069104, 1521069105, 1521069106, 1521069108, 1521069109, 2221069004, 2221069035, 2221069036, 2221069037, 2221069038, 2221069039, 2221069040, 2221069041, 2221069042, 2221069043, 2221069044, 2221069045, 2221069046, 2221069047, 2221069048, 2221069049, 2221069050, 2221069051, 2221069052, 2221069053, 2321069001, 2321069003, 2321069046, 2321069047, 2321069048, 2321069049, 2321069050, 2321069051, 2321069052, 2321069053, 2321069054, 2321069055, 2321069057, 2321069058, 2321069060, 2321069065, 2721069007, 2721069057, 2721069056

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

Signature of Requesting Party

SECOND MINOR AMENDMENT TO THE VILLAGES MPD DEVELOPMENT AGREEMENT

This Second Minor Amendment to The Villages MPD Development Agreement, dated this 8th day of August, 2012 (the "Amendment"), is made by and among the City of Black Diamond, a non charter code city in the State of Washington, operating under the provisions of Chapter 35A RCW ("City") and BD Village Partners, L.P., a Washington limited partnership ("Master Developer") and amends The Villages MPD Development Agreement that was entered into on December 12, 2011 as amended by the First Minor Amendment dated June 22, 2012 (collectively, the "Agreement"). The City and Master Developer are collectively referred to herein as the "Parties". Capitalized terms used but not defined herein have the meanings ascribed to them in the Agreement.

RECITALS

- A. WHEREAS, the Parties wish to amend the Agreement as set forth herein to correct the phase designation for Development Parcel V22-S in Table 4-1 of The Agreement.
- B. WHEREAS, Section 10.4.2 of the Agreement provides that the final determination regarding whether an amendment to the Agreement is Minor or Major shall rest with the Designated Official.
- C. WHEREAS, on July 9, 2012, BD Village Partners, LP received a letter from the City's Designated Official, Steve Pilcher, which confirmed that correcting the phase designation for Development Parcel V22-S in Table 4-1 constitutes a Minor Amendment to the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, conditions and agreements of the Parties set forth in the Agreement and herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by all Parties, the Parties agree as follows:

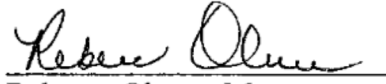
AGREEMENT

- 1. Amendment and Restatement of Table 4-1. The Villages MPD Development Agreement Table 4-1 is replaced and superseded by the amended Table 4-1 that is attached hereto and incorporated by this reference as Exhibit A.
- 2. Continued Effect. All other terms of the Agreement are hereby ratified and confirmed in all respects.
- 3. Counterparts. This Amendment may be executed in counterparts, each of which will be deemed to be an original and all of which together will constitute a single agreement.

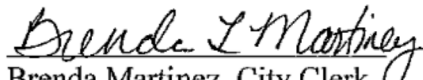
(Signatures appear on the following page)

IN WITNESS OF THEIR AGREEMENT, the Parties have executed this Amendment as of the year and day first above written.


CITY OF BLACK DIAMOND


Rebecca Olness, Mayor

Attest:


Brenda Martinez, City Clerk

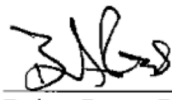
Approved as to Form:


for Chris Bacha City Attorney

BD VILLAGE PARTNERS, L.P., a Washington limited partnership

By: Yarrow Bay Development, LLC, a Washington limited liability company, its General Partner

By: BRNW, Inc., a Washington corporation, its Member

By: 
Brian Ross, President

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this 31st day of July, 2012, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared **Brian Ross**, known to me to be the President of BRNW, Inc., a member of Yarrow Bay Development, LLC, a general partner of **BD VILLAGE PARTNERS, LP**, the limited partnership that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said limited partnership, for the purposes therein mentioned, and on oath stated the he was authorized to execute said instrument.

I certify that I know or have satisfactory evidence that the person appearing before me and making this acknowledgment is the person whose true signature appears on this document.

WITNESS my hand and official seal hereto affixed the day and year in the certificate above written.



Megan Nelson Rubenstein
Megan Nelson Rubenstein
(Print name of notary)

NOTARY PUBLIC in and for the State of
Washington, residing at Seattle
My commission expires 1-29-15

STATE OF WASHINGTON)

) ss.

COUNTY OF KING)

On this day personally appeared before me Rebecca Olness, to me known to be Mayor of the City of Black Diamond, a Washington non charter code city that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that she is authorized to execute said instrument.

GIVEN under my hand and official seal this 8th day of August, 2012.



Rachel J. Pitzel
Rachel J. Pitzel

(Print name of notary)

NOTARY PUBLIC in and for the State of

Washington, residing at Black Diamond

My commission expires 8/13/12

EXHIBIT A

Table 4-1

Site Plan Parcel ID	Site Plan Phase	Range of Res'l Units for Parcel ¹	Square Feet Range for Commercial/ Office/Retail on Parcel	Additional Possible Uses ²
V1	1B	46-79	N/A	E, F, G, H, I, J ³
V2	1B	32-54	N/A	E, F, G, H, I, J ³
V3	1B	52-72	N/A	E, F, G, H, I, J ³
V4	1B	18-25	N/A	E, F, G, H, I, J ³
V5	1B	40-93	N/A	E, F, G, H, I, J ³
V6	1B	53-123	N/A	E, F, G, H, I, J ³
V7	1B	N/A	86,000 - 344,000 SF	A, B, C, E, F, G, H ³
V8	1B	N/A	61,000 - 240,000 SF	A, B, C, E, F, G, H ³
V9	1B	N/A	46,000 - 183,000 SF	A, B, C, F, G, H
V10	1A	88-204	N/A	E, F, G, H, I, J
V11	1A	59-106	64,000 – 257,000 SF	A, B, C, F, G, H
V12	1A	99-178	108,000 – 431,000 SF	A, B, C, F, G, H
V13	1A	121-167	N/A	E, F, G, H, I, J
V14	1A	27-63	N/A	E, F, G, H, I, J
V15	1A	7-55	N/A	E, F, G, H, I, J
V16	1A	79-136	N/A	E, F, G, H, I, J
V17	1A	57-132	N/A	E, F, G, H, I, J
V18	1A	115-197	N/A	E, F, G, H, I, J
V19	1A	51-88	N/A	E, F, G, H, I, J
V20	2	29-228	N/A	E, F, G, H, I, J
V21	1A	0-0	N/A	E
V22	2	65-112	N/A	E, F, G, H, I, J
V22-S	1A	18-30	N/A	E, F, G, H, I, J
V23	2	14-111	N/A	E, F, G, H, I, J
V24	1A	66-92	N/A	E, F, G, H, I, J
V25	2	77-106	N/A	E, F, G, H, I, J
V26	2	25-34	N/A	E, F, G, H, I, J
V27	2	180-308	N/A	E, F, G, H, I, J
V28	2	178-305	N/A	E, F, G, H, I, J
V29	2	16-127	N/A	E, F, G, H, I, J
V30	2	12-96	N/A	E, F, G, H, I, J
V31	2	91-156	N/A	E, F, G, H, I, J
V32	3	21-29	N/A	E, F, G, H, I, J
V33	3	9-13	N/A	E, F, G, H, I, J
V34	3	127-218	N/A	E, F, G, H, I, J
V35	3	14-24	N/A	E, F, G, H, I, J
V36	3	8-66	N/A	E, F, G, H, I, J

Site Plan Parcel ID	Site Plan Phase	Range of Res'l Units for Parcel ¹	Square Feet Range for Commercial/ Office/Retail on Parcel	Additional Possible Uses ²
V37	3	25-202	N/A	E, F, G, H, I, J
V38	3	20-159	N/A	A, E, F, G, H, I, J
V39	3	13-101	N/A	A, E, F, G, H, I, J
V40	3	48-82	N/A	A, E, F, G, H, I, J
V41	3	109-187	N/A	A, E, F, G, H, I, J
V42	3	55-76	N/A	A, E, F, G, H, I, J
V43	3	8-13	N/A	A, E, F, G, H, I, J
V44	3	15-26	N/A	A, E, F, G, H, I, J
V45	3	18-30	N/A	A, E, F, G, H, I, J
V46	3	8-13	N/A	A, E, F, G, H, I, J
V47	3	35-49	N/A	A, E, F, G, H, I, J
V48	3	23-180	N/A	A, E, F, G, H, I, J
V49	3	7-53	N/A	E, F, G, H, I, J
V50	3	0-0	N/A	E
V51	3	15-121	N/A	E, F, G, H, I, J
V51-S	3	3-20	N/A	E, F, G, H, I, J
V52	3	8-66	N/A	E, F, G, H, I, J
V53	3	11-86	N/A	E, F, G, H, I, J
V54	3	65-112	N/A	E, F, G, H, I, J
V55	3	79-110	N/A	E, F, G, H, I, J
V56	3	22-178	N/A	E, F, G, H, I, J
V57	3	0-0	N/A	E
V58	3	0-0	N/A	E
V59	3	10-83	N/A	E, F, G, H, I, J
V60	3	5-36	N/A	E, F, G, H, I, J
V61	3	25-199	N/A	E, F, G, H, I, J
V62	3	2-15	N/A	E, F, G, H, I, J
V63	3	8-62	N/A	E, F, G, H, I, J
V64	3	3-27	N/A	E, F, G, H, I, J
V65	3	3-25	N/A	E, F, G, H, I, J
V66	3	N/A	82,000 – 326,700 SF	A, B, C, D, E, F, G
V67	3	N/A	130,000 – 522,000 SF	A, B, C, D, E, F, G
V68	1B	N/A	52,000 – 209,000 SF	A, B, C, D, E, F, G
V69	1B	N/A	51,000 – 205,000 SF	A, B, C, D, E, F, G
V70	3	N/A	51,000 – 205,000 SF	A, B, C, D, E, F, G
V71	3	117-162	N/A	E, F, G, H, I, J

1. MPD-L results in 1 – 8 du/acre. MPD-M results in 7 – 12 du/acre. MPD-H results in 13-18 du/acre. MPD-H (18-30) results in 18 – 30 du/acre.
2. Additional uses as described below:
 - A. Neighborhood Commercial – NC (BDMC 18.36.020-030 Exhibit “E”)
 - B. Community Commercial – CC (BDMC 18.38.020-030 Exhibit “E”)

- C. Town Center – TC (BDMC 18.40.020-030 Exhibit “E”)
 - D. Industrial – I (BDMC 18.44.020-030 Exhibit “E”)
 - E. Public – PUB (BDMC 18.46.020-030 Exhibit “E”)
 - F. Accessory Uses and Structures (BDMC 18.030-060 Exhibit “E”)
 - G. Temporary Uses (BDMC 18.52.020-040 Exhibit “E”)
 - H. Home Occupations (BDMC 18.54 Exhibit “E”)
 - I. Accessory Dwelling Units (BDMC 18.56 Exhibit “E”)
 - J. Major and Minor Utility Facilities
3. The identification of these additional possible uses shall not preclude or otherwise conflict with the Enumclaw School District’s intended use of these parcels for a high school, notwithstanding Section 4.4.7 below, should a portion of these parcels be transferred to the Enumclaw School District under the terms of the School Agreement.

CONFORMED COPY

Return Address:

City of Black Diamond
PO Box 599
Black Diamond, WA 98010
C/O Brenda Martinez, City Clerk

20140103000655

TRIAD ENGINEER AG-RER 82.00
PAGE-001 OF 011
01/03/2014 11:05

Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet** (RCW 65.04)

Document Title(s) (or transactions contained therein): (all areas applicable to your document must be filled in)

Third Amendment to The Villages MPD Development Agreement

Reference Number(s) of Documents assigned or released:

King County Recording No. 20120130000655.

Grantor(s) (Last name, first name, initials)

1. BD Village Partners, LP
2. City of Black Diamond

Grantee(s) (Last name first, then first name and initials)

1. BD Village Partners, LP
2. City of Black Diamond

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

N/A

Assessor's Property Tax Parcel/Account Number

Assessor Tax # not yet assigned

1121069006, 1121069109, 1521069005, 1521069088, 1521069096, 1521069097, 1521069098, 1521069099, 1521069100, 1521069101, 1521069102, 1521069103, 1521069104, 1521069105, 1521069106, 1521069108, 1521069109, 2221069004, 2221069035, 2221069036, 2221069037, 2221069038, 2221069039, 2221069040, 2221069041, 2221069042, 2221069043, 2221069044, 2221069045, 2221069046, 2221069047, 2221069048, 2221069049, 2221069050, 2221069051, 2221069052, 2221069053, 2321069001, 2321069003, 2321069046, 2321069047, 2321069048, 2321069049, 2321069050, 2321069051, 2321069052, 2321069053, 2321069054, 2321069055, 2321069057, 2321069058, 2321069060, 2321069065, 2721069007, 2721069057, 2721069056

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

THIRD MINOR AMENDMENT TO THE VILLAGES MPD DEVELOPMENT AGREEMENT

PH This Third Minor Amendment to The Villages MPD Development Agreement, dated this day of December, 2013 (the "Amendment"), is made by and among the City of Black Diamond, a non charter code city in the State of Washington, operating under the provisions of Chapter 35A RCW ("City") and BD Village Partners, L.P., a Washington limited partnership ("Master Developer") and amends The Villages MPD Development Agreement that was entered into on December 12, 2011 (KC Recording No. 20120130000655) as amended by the First Minor Amendment dated June 22, 2012 (KC Recording No. 20120906000762) and by the Second Minor Amendment dated August 8, 2012 (KC Recording No. 20120906000763) (collectively, the "Agreement"). The City and Master Developer are collectively referred to herein as the "Parties". Capitalized terms used but not defined herein have the meanings ascribed to them in the Agreement.

RECITALS

- A. WHEREAS, the Parties wish to amend the Agreement as set forth herein to update the residential density range for Development Parcel V28 in Table 4-1 of the Agreement and on the MPD Site Plan in Exhibit "U" to the Agreement.
- B. WHEREAS, Section 10.4.2 of the Agreement provides that the final determination regarding whether an amendment to the Agreement is Minor or Major shall rest with the Designated Official.
- C. WHEREAS, on July 5, 2013, BD Village Partners, LP received a letter from the City's Designated Official, Stacey Welsh, which confirmed that updating the residential density range for Development Parcel V28 constitutes a Minor Amendment to the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, conditions and agreements of the Parties set forth in the Agreement and herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by all Parties, the Parties agree as follows:

AGREEMENT

- 1. Amendment and Restatement of Table 4-1. Table 4-1 in The Villages MPD Development Agreement is replaced and superseded by the amended Table 4-1 that is attached hereto and incorporated by this reference as Exhibit A.
- 2. Amendment and Restatement of Exhibit U. The MPD Site Plan set forth as Exhibit "U" to The Villages MPD Development Agreement is replaced and superseded by the amended MPD Site Plan that is attached hereto and incorporated by this reference as Exhibit B. Exhibit "U" is not recordable in its format. Therefore, Exhibit "U" is kept on file with the City of Black Diamond and is available for public review at the Community Development Department during business hours.

3. Continued Effect. All other terms of the Agreement are hereby ratified and confirmed in all respects.
4. Counterparts. This Amendment may be executed in counterparts, each of which will be deemed to be an original and all of which together will constitute a single agreement.

IN WITNESS OF THEIR AGREEMENT, the Parties have executed this Amendment as of the year and day first above written.

CITY OF BLACK DIAMOND




Rebecca Olness, Mayor

Attest:


Brenda Martinez, City Clerk

Approved as to Form:


Chris Bacha, City Attorney
Kenyon Diamond, PLLC

BD VILLAGE PARTNERS, L.P., a Washington
limited partnership

By: Yarrow Bay Development, LLC, a
Washington limited liability company, its
General Partner

By: BRNW, Inc., a Washington
corporation, its Member

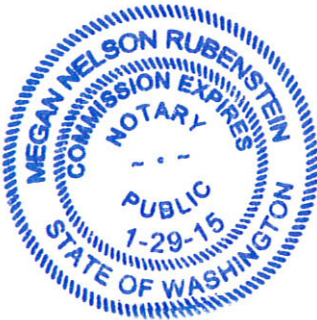
By: 
Brian Ross, President

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this 4th day of October, 2013, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared **Brian Ross**, known to me to be the President of BRNW, Inc., a member of Yarrow Bay Development, LLC, a general partner of **BD VILLAGE PARTNERS, LP**, the limited partnership that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said limited partnership, for the purposes therein mentioned, and on oath stated the he was authorized to execute said instrument.

I certify that I know or have satisfactory evidence that the person appearing before me and making this acknowledgment is the person whose true signature appears on this document.

WITNESS my hand and official seal hereto affixed the day and year in the certificate above written.



Megan Nelson Rubenstein
megan nelson rubenstein
(Print name of notary)

NOTARY PUBLIC in and for the State of
Washington, residing at seattle
My commission expires 1-29-15

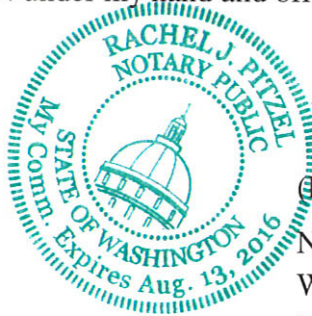
STATE OF WASHINGTON)

) ss.

COUNTY OF KING)

On this day personally appeared before me Rebecca Olness, to me known to be Mayor of the City of Black Diamond, a Washington non charter code city that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that she is authorized to execute said instrument.

GIVEN under my hand and official seal this 19th day of December, 2013.



Rachel J. Pitzel
Rachel J. Pitzel

(Print name of notary)

NOTARY PUBLIC in and for the State of
Washington, residing at Black Diamond

My commission expires 8/13/16

Exhibit A

Table 4-1

Site Plan Parcel ID	Site Plan Phase	Range of Res'l Units for Parcel ¹	Square Feet Range for Commercial/ Office/Retail on Parcel	Additional Possible Uses ²
V1	1B	46-79	N/A	E, F, G, H, I, J ³
V2	1B	32-54	N/A	E, F, G, H, I, J ³
V3	1B	52-72	N/A	E, F, G, H, I, J ³
V4	1B	18-25	N/A	E, F, G, H, I, J ³
V5	1B	40-93	N/A	E, F, G, H, I, J ³
V6	1B	53-123	N/A	E, F, G, H, I, J ³
V7	1B	N/A	86,000 - 344,000 SF	A, B, C, E, F, G, H ³
V8	1B	N/A	61,000 - 240,000 SF	A, B, C, E, F, G, H ³
V9	1B	N/A	46,000 - 183,000 SF	A, B, C, F, G, H
V10	1A	88-204	N/A	E, F, G, H, I, J
V11	1A	59-106	64,000 – 257,000 SF	A, B, C, F, G, H
V12	1A	99-178	108,000 – 431,000 SF	A, B, C, F, G, H
V13	1A	121-167	N/A	E, F, G, H, I, J
V14	1A	27-63	N/A	E, F, G, H, I, J
V15	1A	7-55	N/A	E, F, G, H, I, J
V16	1A	79-136	N/A	E, F, G, H, I, J
V17	1A	57-132	N/A	E, F, G, H, I, J
V18	1A	115-197	N/A	E, F, G, H, I, J
V19	1A	51-88	N/A	E, F, G, H, I, J
V20	2	29-228	N/A	E, F, G, H, I, J
V21	1A	0-0	N/A	E
V22	2	65-112	N/A	E, F, G, H, I, J
V22-S	1A	18-30	N/A	E, F, G, H, I, J
V23	2	14-111	N/A	E, F, G, H, I, J
V24	1A	66-92	N/A	E, F, G, H, I, J
V25	2	77-106	N/A	E, F, G, H, I, J
V26	2	25-34	N/A	E, F, G, H, I, J
V27	2	180-308	N/A	E, F, G, H, I, J
V28	2	25-203	N/A	E, F, G, H, I, J
V29	2	16-127	N/A	E, F, G, H, I, J
V30	2	12-96	N/A	E, F, G, H, I, J
V31	2	91-156	N/A	E, F, G, H, I, J
V32	3	21-29	N/A	E, F, G, H, I, J
V33	3	9-13	N/A	E, F, G, H, I, J
V34	3	127-218	N/A	E, F, G, H, I, J
V35	3	14-24	N/A	E, F, G, H, I, J
V36	3	8-66	N/A	E, F, G, H, I, J
V37	3	25-202	N/A	E, F, G, H, I, J

Site Plan Parcel ID	Site Plan Phase	Range of Res'l Units for Parcel ¹	Square Feet Range for Commercial/ Office/Retail on Parcel	Additional Possible Uses ²
V38	3	20-159	N/A	A, E, F, G, H, I, J
V39	3	13-101	N/A	A, E, F, G, H, I, J
V40	3	48-82	N/A	A, E, F, G, H, I, J
V41	3	109-187	N/A	A, E, F, G, H, I, J
V42	3	55-76	N/A	A, E, F, G, H, I, J
V43	3	8-13	N/A	A, E, F, G, H, I, J
V44	3	15-26	N/A	A, E, F, G, H, I, J
V45	3	18-30	N/A	A, E, F, G, H, I, J
V46	3	8-13	N/A	A, E, F, G, H, I, J
V47	3	35-49	N/A	A, E, F, G, H, I, J
V48	3	23-180	N/A	A, E, F, G, H, I, J
V49	3	7-53	N/A	E, F, G, H, I, J
V50	3	0-0	N/A	E
V51	3	15-121	N/A	E, F, G, H, I, J
V51-S	3	3-20	N/A	E, F, G, H, I, J
V52	3	8-66	N/A	E, F, G, H, I, J
V53	3	11-86	N/A	E, F, G, H, I, J
V54	3	65-112	N/A	E, F, G, H, I, J
V55	3	79-110	N/A	E, F, G, H, I, J
V56	3	22-178	N/A	E, F, G, H, I, J
V57	3	0-0	N/A	E
V58	3	0-0	N/A	E
V59	3	10-83	N/A	E, F, G, H, I, J
V60	3	5-36	N/A	E, F, G, H, I, J
V61	3	25-199	N/A	E, F, G, H, I, J
V62	3	2-15	N/A	E, F, G, H, I, J
V63	3	8-62	N/A	E, F, G, H, I, J
V64	3	3-27	N/A	E, F, G, H, I, J
V65	3	3-25	N/A	E, F, G, H, I, J
V66	3	N/A	82,000 – 326,700 SF	A, B, C, D, E, F, G
V67	3	N/A	130,000 – 522,000 SF	A, B, C, D, E, F, G
V68	1B	N/A	52,000 – 209,000 SF	A, B, C, D, E, F, G
V69	1B	N/A	51,000 – 205,000 SF	A, B, C, D, E, F, G
V70	3	N/A	51,000 – 205,000 SF	A, B, C, D, E, F, G
V71	3	117-162	N/A	E, F, G, H, I, J

1. MPD-L results in 1 – 8 du/acre. MPD-M results in 7 – 12 du/acre. MPD-H results in 13-18 du/acre. MPD-H (18-30) results in 18 – 30 du/acre.
2. Additional uses as described below:
 - A. Neighborhood Commercial – NC (BDMC 18.36.020-030 Exhibit “E”)
 - B. Community Commercial – CC (BDMC 18.38.020-030 Exhibit “E”)
 - C. Town Center – TC (BDMC 18.40.020-030 Exhibit “E”)

- D. Industrial – I (BDMC 18.44.020-030 Exhibit “E”)
 - E. Public – PUB (BDMC 18.46.020-030 Exhibit “E”)
 - F. Accessory Uses and Structures (BDMC 18.030-060 Exhibit “E”)
 - G. Temporary Uses (BDMC 18.52.020-040 Exhibit “E”)
 - H. Home Occupations (BDMC 18.54 Exhibit “E”)
 - I. Accessory Dwelling Units (BDMC 18.56 Exhibit “E”)
 - J. Major and Minor Utility Facilities
3. The identification of these additional possible uses shall not preclude or otherwise conflict with the Enumclaw School District’s intended use of these parcels for a high school, notwithstanding Section 4.4.7 below, should a portion of these parcels be transferred to the Enumclaw School District under the terms of the School Agreement.

Exhibit B

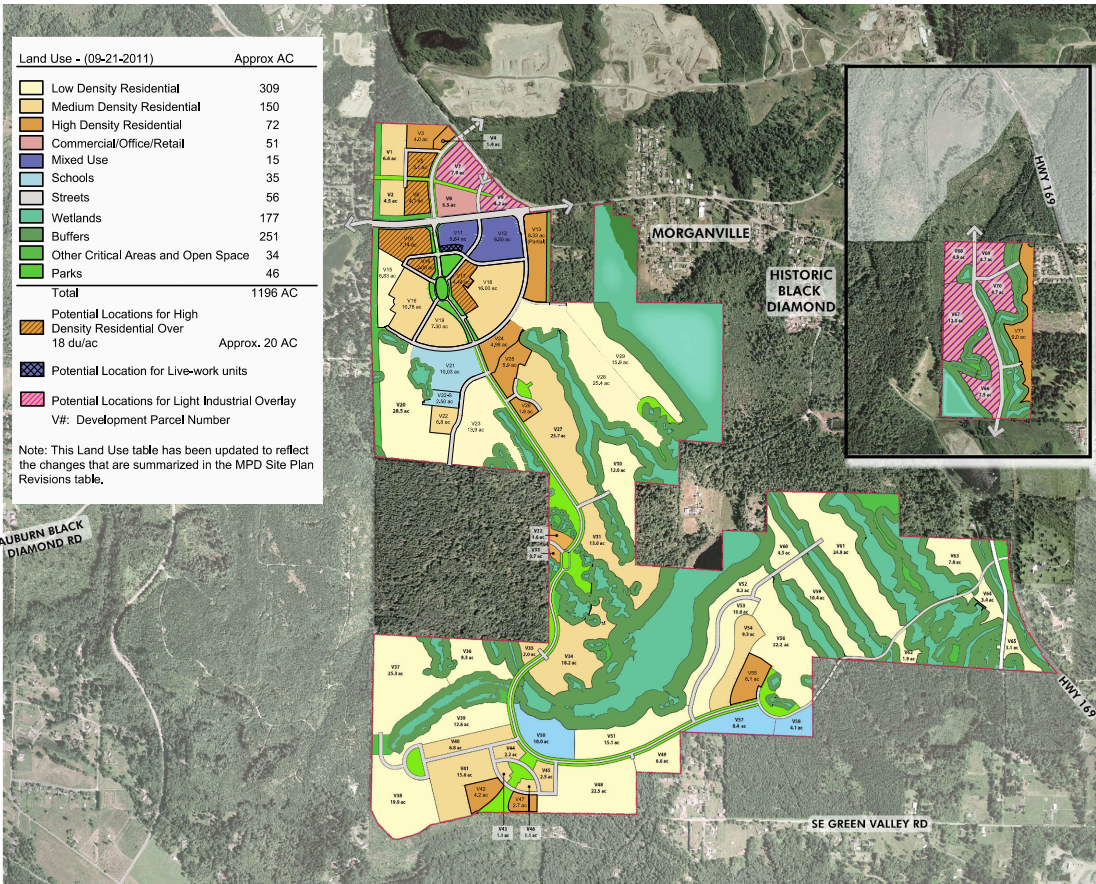
Exhibit U

Updated MPD Site Plan

(added pursuant to Examiner's Recommended Implementing Conditions)

Exhibit U is kept on file with the City of Black Diamond and is available for public review at the Community Development Department during business hours.

MPD SITE PLAN



MPD Site Plan Revisions			
Rev.	Approval Date	Authority	Description
1	12/10/12	City of Black Diamond Hearing Examiner's approval of Preliminary Plat 1A. See also Section 4.4.8 of The Villages MPD DA.	The acreages for the following Development Parcels were updated as set forth below: V10 (7.14 ac); V11 (5.64 ac); V12 (9.50 ac); V13 (8.33 ac) (partial); V14 (2.00 ac); V15 (6.83 ac); V16 (10.78 ac); V17 (4.44 ac); V18 (16.00 ac); V19 (7.30 ac); V21 (10.03 ac); V22-S (2.50 ac); and V24 (4.98 ac). Note: Development Parcel V22-S is the 2.5 acre optional expansion parcel for the Enumclaw School District if the District decides to build a bigger elementary school.
2	12/2013	MPD Site Plan Amendment Request per Section 4.4.1 of The Villages MPD DA.	The residential density range of Development Parcel V28 has been adjusted down one category from MPD-M to MPD-L.

**20120906000761**TRIAD ASSOCIAT AMND-RER 79.00
PAGE-001 OF 008
09/06/2012 14:18
KING COUNTY, WA**Return Address:**City of Black Diamond
PO Box 599
Black Diamond, WA 98010
C/O Brenda Martinez, City ClerkPlease print or type information **WASHINGTON STATE RECORDER'S Cover Sheet** (RCW 65.04)**Document Title(s)** (or transactions contained therein): (all areas applicable to your document must be filled in)

First Amendment to the Lawson Hills MPD Development Agreement

Reference Number(s) of Documents assigned or released:~~N/A~~ REC. No. 20120130 000 640**Grantor(s)** (Last name, first name, initials)

1. BD Lawson Partners, LP
2. BD Village Partners, LP
3. City of Black Diamond

Grantee(s) (Last name first, then first name and initials)

1. BD Lawson Partners, LP
2. BD Village Partners, LP
3. City of Black Diamond

Legal description (abbreviated: i.e. lot, block, plat or section, township, range) *N/A*

See Exhibit B of the Lawson Hills MPD Development Agreement, recorded under King County Recording No. 20120130000640.

Assessor's Property Tax Parcel/Account Number☐ Assessor Tax # not yet assigned

1121069044, 1221069011, 1221069012, 1321069007, 1321069008, 1321069009, 1321069010, 1321069011, 1321069014, 1321069021, 1321069022, 1321069023, 1321069024, 1321069029, 1321069033, 1321069034, 1321069036, 1321069037, 1321069038, 1321069040, 1321069046, 1321069047, 1321069048, 1321069053, 1321069054, 1321069057, 1321069063, 1321069066, 1321069067, 1421069001, 1421069002, 1421069063, 1421069186, 0221069024, 0221069028, 0221069029, 0221069030, 0321069076

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

Signature of Requesting Party

FIRST MINOR AMENDMENT TO THE LAWSON HILLS MPD DEVELOPMENT AGREEMENT

This First Minor Amendment to the Lawson Hills MPD Development Agreement, dated this 22 day of June, 2012 (the "Amendment"), is made by and among the City of Black Diamond, a non charter code city in the State of Washington, operating under the provisions of Chapter 35A RCW ("City") and BD Lawson Partners, L.P., a Washington limited partnership ("Master Developer") and amends the Lawson Hills MPD Development Agreement, entered into on December 12, 2011 (the "Agreement"). The City and Master Developer are collectively referred to herein as the "Parties". Capitalized terms used but not defined herein have the meanings ascribed to them in the Agreement.

RECITALS

- A. WHEREAS, the Parties wish to amend the Agreement as set forth herein to correct the scrivener's error in Table 4-1 of the Lawson Hills MPD Development Agreement.
- B. WHEREAS, Section 10.4.2 of the Agreement provides that the final determination regarding whether an Amendment to the Agreement is Minor or Major shall rest with the Designated Official.
- C. WHEREAS, on May 7, 2012, BD Lawson Partners, LP received a letter from the City's Designated Official, Steve Pilcher, which confirmed that correcting the scrivener's error in Table 4-1 constitutes a Minor Amendment to the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, conditions and agreements of the Parties set forth in the Agreement and herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by all Parties, the Parties agree as follows:

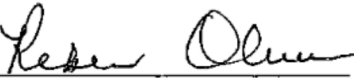
AGREEMENT

- 1. Amendment and Restatement of Table 4-1. The Lawson Hills MPD Development Agreement Table 4-1 is replaced and superseded by the amended Table 4-1 that is attached hereto and incorporated by this reference as Exhibit A.
- 2. Continued Effect. All other terms of the Agreement are hereby ratified and confirmed in all respects.
- 3. Counterparts. This Amendment may be executed in counterparts, each of which will be deemed to be an original and all of which together will constitute a single agreement.

(Signatures appear on the following page)

IN WITNESS OF THEIR AGREEMENT, the Parties have executed this Amendment as of the year and day first above written.

CITY OF BLACK DIAMOND


Rebecca Olness, Mayor

Attest:


Brenda Martinez, City Clerk

Approved as to Form:

 6/21/12
N/A, City Attorney

BD LAWSON PARTNERS, L.P., a Washington limited partnership

By: Yarrow Bay Development, LLC, a Washington limited liability company, its General Partner

By: BRNW, Inc., a Washington corporation, its Member

By: 
Brian Ross, President

BD VILLAGE PARTNERS, L.P., a Washington limited partnership

By: Yarrow Bay Development, LLC, a Washington limited liability company, its General Partner

By: BRNW, Inc., a Washington corporation, its Member

By: 
Brian Ross, President

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this 15th day of June, 2012, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared **Brian Ross**, known to me to be the President of BRNW, Inc., a member of Yarrow Bay Development, LLC, a general partner of **BD LAWSON PARTNERS, LP**, the limited partnership that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said limited partnership, for the purposes therein mentioned, and on oath stated the he was authorized to execute said instrument.

I certify that I know or have satisfactory evidence that the person appearing before me and making this acknowledgment is the person whose true signature appears on this document.

WITNESS my hand and official seal hereto affixed the day and year in the certificate above written.



Megan Nelson Rubenstein
Megan Nelson Rubenstein
(Print name of notary)

NOTARY PUBLIC in and for the State of
Washington, residing at Seattle
My commission expires 1-29-15

STATE OF WASHINGTON)

) SS.

COUNTY OF KING)

On this 15th day of June, 2012, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared **Brian Ross**, known to me to be the President of BRNW, Inc., a member of Yarrow Bay Development, LLC, a general partner of **BD VILLAGE PARTNERS, LP**, the limited partnership that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said limited partnership, for the purposes therein mentioned, and on oath stated the he was authorized to execute said instrument.

I certify that I know or have satisfactory evidence that the person appearing before me and making this acknowledgment is the person whose true signature appears on this document.

WITNESS my hand and official seal hereto affixed the day and year in the certificate above written.



Megan Nelson Rubenstein
Megan Nelson Rubenstein
(Print name of notary)

NOTARY PUBLIC in and for the State of

Washington, residing at Seattle

My commission expires 1-29-15

)

On this day personally appeared before me Rebecca Dineen, to me known to be Mayor of the City of Black Diamond, a Washington non charter code city that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that she is authorized to execute said instrument.

GIVEN under my hand and official seal this 26 day of June, 2012.

My commission expires 8/13/12

EXHIBIT A

Table 4-1

Site Plan Parcel ID	Site Plan Phase	Range of Res'l Units for Parcel ¹	Square Feet Range for Commercial/ Office/Retail on Parcel	Additional Possible Uses ²
L1	3	N/A	N/A	E, G, J
L2	3	N/A	N/A	E, G, J
L3	2	53-123	N/A	E, F, G, H, I, J
L4	2	5-39	N/A	E, F, G, H, I, J
L5	2	0-0	N/A	E
L6	3	33-56	N/A	E, F, G, H, I, J
L7	3	21-164	N/A	E, F, G, H, I, J
L8	3	36-50	N/A	E, F, G, H, I, J
L9	3	2-16	N/A	E, F, G, H, I, J
L10	3	1-11	N/A	E, F, G, H, I, J
L11	3	57-97	N/A	E, F, G, H, I, J
L12	3	176-301	N/A	E, F, G, H, I, J
L13	3	36-62	N/A	E, F, G, H, I, J
L14	3	85-145	N/A	E, F, G, H, I, J
L15	3	81-112	N/A	E, F, G, H, I, J
L16	3	9-73	N/A	E, F, G, H, I, J
L17	3	33-56	N/A	E, F, G, H, I, J
L18	3	23-40	N/A	E, F, G, H, I, J
L19	3	28-225	N/A	E, F, G, H, I, J
L20	3	7-54	N/A	E, F, G, H, I, J
L21	3	1-7	N/A	E, F, G, H, I, J
L22	2	1-7	N/A	E, F, G, H, I, J
L23	2	2-15	N/A	E, F, G, H, I, J
L24	2	2-12	N/A	E, F, G, H, I, J
L25	2	1-11	N/A	E, F, G, H, I, J
L26	2	62-86	N/A	E, F, G, H, I, J
L27	1B	N/A	80,000 – 322,000 SF	A, B, C, D, E, F, G
L28	1B	N/A	130,000 – 390,000 SF	A, B, C, D, E, F, G
L29	1B	N/A	139,000 – 390,000 SF	A, B, C, D, E, F, G
L30	1B	N/A	35,000 – 139,000 SF	A, B, C, D, E, F, G

1. MPD-L results in 1 – 8 du/acre. MPD-M results in 7 – 12 du/acre. MPD-H results in 13-18 du/acre. MPD-H (18-30) results in 18 – 30 du/acre.
2. Additional uses as described below:
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 - B. Community Commercial – CC (BDMC Exhibit “E”)
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- H. Home Occupations (BDMC Exhibit "E")
- I. Accessory Dwelling Units (BDMC Exhibit "E")
- J. Major and Minor Utility Facilities

CONFORMED COPY

Return Address:

City of Black Diamond
PO Box 599
Black Diamond, WA 98010
C/O Brenda Martinez, City Clerk

20140103000649

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01/03/2014 11:01

Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet** (RCW 65.04)

Document Title(s) (or transactions contained therein): (all areas applicable to your document must be filled in)

Second Amendment to the Lawson Hills MPD Development Agreement

Reference Number(s) of Documents assigned or released:

King County Recording No. 20120130000640.

Grantor(s) (Last name, first name, initials)

1. BD Lawson Partners, LP
2. BD Village Partners, LP
3. City of Black Diamond

Grantee(s) (Last name first, then first name and initials)

1. BD Lawson Partners, LP
2. BD Village Partners, LP
3. City of Black Diamond

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

N/A

Assessor's Property Tax Parcel/Account Number

Assessor Tax # not yet assigned

1121069044, 1221069011, 1221069012, 1321069007, 1321069008, 1321069009, 1321069010, 1321069011, 1321069014, 1321069021, 1321069022, 1321069023, 1321069024, 1321069029, 1321069033, 1321069034, 1321069036, 1321069037, 1321069038, 1321069040, 1321069046, 1321069047, 1321069048, 1321069053, 1321069054, 1321069057, 1321069063, 1321069066, 1321069067, 1421069001, 1421069002, 1421069063, 1421069186, 0221069024, 0221069028, 0221069029, 0221069030, 0321069076

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

SECOND MINOR AMENDMENT TO THE LAWSON HILLS MPD DEVELOPMENT AGREEMENT

This Second Minor Amendment to the Lawson Hills MPD Development Agreement, dated this 14th day of December, 2013 (the "Amendment"), is made by and among the City of Black Diamond, a non charter code city in the State of Washington, operating under the provisions of Chapter 35A RCW ("City") and BD Lawson Partners, L.P., a Washington limited partnership ("Master Developer") and amends the Lawson Hills MPD Development Agreement that was entered into on December 12, 2011 (KC Recording No. 20120130000640) as amended by the First Minor Amendment dated June 22, 2012 (KC Recording No. 20120906000761) (collectively, the "Agreement"). The City and Master Developer are collectively referred to herein as the "Parties". Capitalized terms used but not defined herein have the meanings ascribed to them in the Agreement.

RECITALS

- A. WHEREAS, the Parties wish to amend the Agreement as set forth herein to update the residential density range for Development Parcel L3 in Table 4-1 of the Agreement and on the MPD Site Plan in Exhibit "U" to the Agreement.
- B. WHEREAS, Section 10.4.2 of the Agreement provides that the final determination regarding whether an Amendment to the Agreement is Minor or Major shall rest with the Designated Official.
- C. WHEREAS, on July 5, 2013, BD Lawson Partners, LP received a letter from the City's Designated Official, Stacey Welsh, which confirmed that updating the residential density range for Development Parcel L3 constitutes a Minor Amendment to the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, conditions and agreements of the Parties set forth in the Agreement and herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by all Parties, the Parties agree as follows:

AGREEMENT

- 1. Amendment and Restatement of Table 4-1. Table 4-1 in the Lawson Hills MPD Development Agreement is replaced and superseded by the amended Table 4-1 that is attached hereto and incorporated by this reference as Exhibit A.
- 2. Amendment and Restatement of Exhibit U. The MPD Site Plan set forth as Exhibit "U" to the Lawson Hills MPD Development Agreement is replaced and superseded by the amended MPD Site Plan that is attached hereto and incorporated by this reference as Exhibit B. Exhibit "U" is not recordable in its format. Therefore, Exhibit "U" is kept on file with the City of Black Diamond and is available for public review at the Community Development Department during business hours.

3. Continued Effect. All other terms of the Agreement are hereby ratified and confirmed in all respects.
4. Counterparts. This Amendment may be executed in counterparts, each of which will be deemed to be an original and all of which together will constitute a single agreement.

IN WITNESS OF THEIR AGREEMENT, the Parties have executed this Amendment as of the year and day first above written.

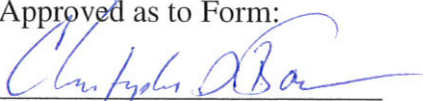
CITY OF BLACK DIAMOND


Rebecca Olness, Mayor

Attest:


Brenda Martinez, City Clerk

Approved as to Form:


Chris Bacha, City Attorney
Kenyon Discard, PLLC.

BD LAWSON PARTNERS, L.P., a Washington limited partnership

By: Yarrow Bay Development, LLC, a Washington limited liability company, its General Partner

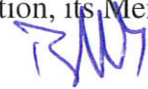
By: BRNW, Inc., a Washington corporation, its Member

By: 
Brian Ross, President

BD VILLAGE PARTNERS, L.P., a Washington limited partnership

By: Yarrow Bay Development, LLC, a Washington limited liability company, its General Partner

By: BRNW, Inc., a Washington corporation, its Member

By: 
Brian Ross, President

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this 4th day of October, 2013, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared **Brian Ross**, known to me to be the President of BRNW, Inc., a member of Yarrow Bay Development, LLC, a general partner of **BD LAWSON PARTNERS, LP**, the limited partnership that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said limited partnership, for the purposes therein mentioned, and on oath stated the he was authorized to execute said instrument.

I certify that I know or have satisfactory evidence that the person appearing before me and making this acknowledgment is the person whose true signature appears on this document.

WITNESS my hand and official seal hereto affixed the day and year in the certificate above written.



Megan Nelson Rubenstein
Megan Nelson Rubenstein
(Print name of notary)

NOTARY PUBLIC in and for the State of
Washington, residing at Seattle
My commission expires 1-29-15

COUNTY OF KING

WITNESS my hand and official seal hereto affixed the day and year in the certificate above written.



Megan Nelson Rubenstein
Megan Nelson Rubenstein
(Print name of notary)

NOTARY PUBLIC in and for the State of

Washington, residing at 1-29-15 N

My commission expires Seattle 12

STATE OF WASHINGTON

)

) ss.

COUNTY OF KING

)

On this day personally appeared before me Rebecca Olness, to me known to be Mayor of the City of Black Diamond, a Washington non charter code city that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that she is authorized to execute said instrument.

GIVEN under my hand and official seal this 14th day of December, 2013.



Rachel J Pitzel
Rachel J Pitzel

(Print name of notary)

NOTARY PUBLIC in and for the State of
Washington, residing at Black Diamond

My commission expires 8/13/16

Exhibit A

Table 4-1

Site Plan Parcel ID	Site Plan Phase	Range of Res'l Units for Parcel ¹	Square Feet Range for Commercial/ Office/Retail on Parcel	Additional Possible Uses ²
L1	3	N/A	N/A	E, G, J
L2	3	N/A	N/A	E, G, J
L3	2	29-49	N/A	E, F, G, H, I, J
L4	2	5-39	N/A	E, F, G, H, I, J
L5	2	0-0	N/A	E
L6	3	33-56	N/A	E, F, G, H, I, J
L7	3	21-164	N/A	E, F, G, H, I, J
L8	3	36-50	N/A	E, F, G, H, I, J
L9	3	2-16	N/A	E, F, G, H, I, J
L10	3	1-11	N/A	E, F, G, H, I, J
L11	3	57-97	N/A	E, F, G, H, I, J
L12	3	176-301	N/A	E, F, G, H, I, J
L13	3	36-62	N/A	E, F, G, H, I, J
L14	3	85-145	N/A	E, F, G, H, I, J
L15	3	81-112	N/A	E, F, G, H, I, J
L16	3	9-73	N/A	E, F, G, H, I, J
L17	3	33-56	N/A	E, F, G, H, I, J
L18	3	23-40	N/A	E, F, G, H, I, J
L19	3	28-225	N/A	E, F, G, H, I, J
L20	3	7-54	N/A	E, F, G, H, I, J
L21	3	1-7	N/A	E, F, G, H, I, J
L22	2	1-7	N/A	E, F, G, H, I, J
L23	2	2-15	N/A	E, F, G, H, I, J
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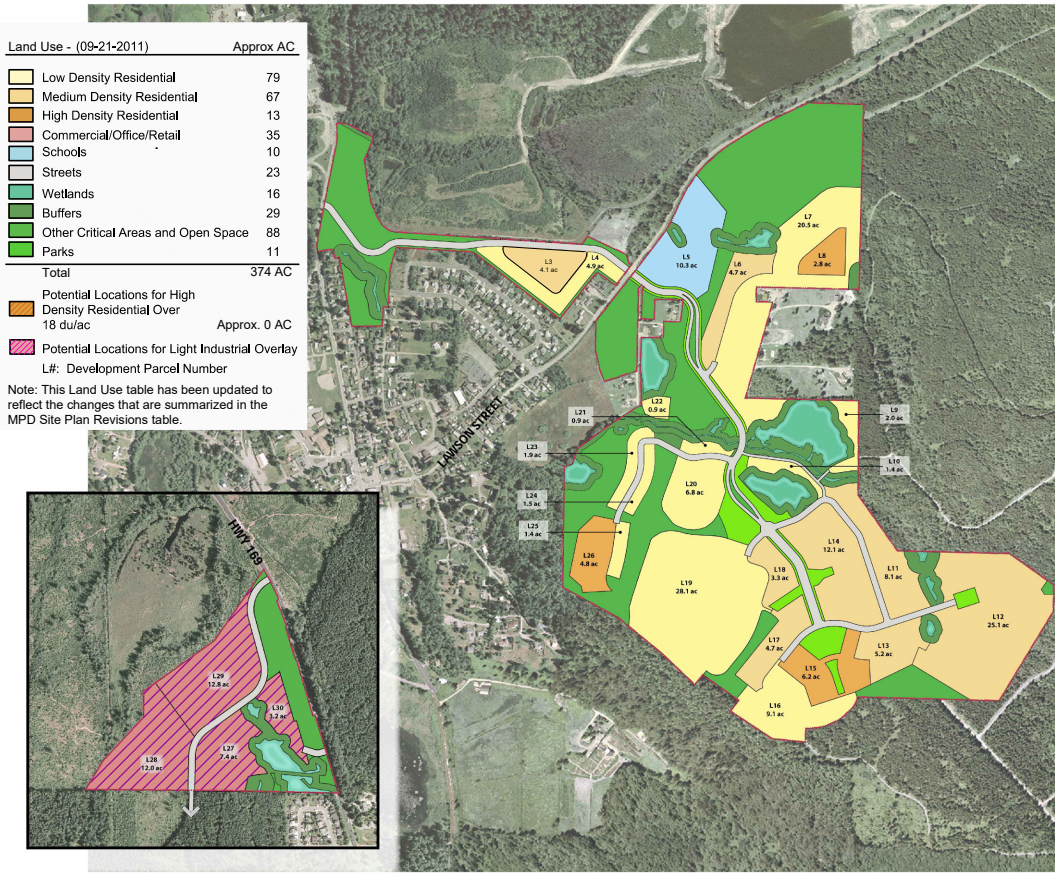
Exhibit B

Exhibit U

Updated MPD Site Plan

(added pursuant to Examiner's Recommended Implementing Conditions)

Exhibit U is kept on file with the City of Black Diamond and is available for public review at the Community Development Department during business hours.



MPD Site Plan Revisions			
Rev.	Approval Date	Authority	Description
1	12/2013	MPD Site Plan Amendment Request per Section 4.4.1 of Lawson Hills MPD DA.	The residential density range of Development Parcel L3 has been adjusted down one category from MPD-H to MPD-M.