

Subsequent to the mediation session, the parties informed the Presiding Officer telephonically that an agreement resolving all issues before the Board had been reached.

On July 11, 1996, the Board received a "Stipulation for Order Dismissing Petition for Review as Moot," signed by representatives of Hartson, EBCC and the City. Two documents were attached: a "Settlement Agreement" (Exhibit A) and a proposed "Stipulation and Agreed Order for Partial Judgment" in a King County Superior Court case (Exhibit B) (the **Stipulation.**)

On July 31, 1996, the Board received a "Stipulation and Agreed Order Entering Partial Judgment (the **Court Order**)," entered by the King County Superior Court on that day.

II.DISCUSSION

The Settlement Agreement states that:

In light of East Bellevue Community Council's execution of the Stipulation and Agreed Order for Partial Judgment, and upon the Court's entry of the same, there will be no East Bellevue Community Council action involving petitioners to be reviewed by the Central Puget Sound Growth Management Hearings Board. Accordingly, upon entry of the Partial Judgment by the court, the Growth Management Hearings Board should enter the attached Order dismissing this action as moot. Stipulation, at 2.

On July 31, 1996, the Board received a copy of the above-referenced Court Order.

Based on the Stipulation, including the Settlement Agreement, and the Court having entered the Partial Judgment, **the Board holds that the issues brought before the Board in Case No. 96-3-0015 are moot; the case will be dismissed with prejudice.** The Stipulation will be incorporated by reference in the Board's Order.

iii.order

Based on the foregoing Stipulation, and having received documentation that the King County Superior Court has entered the Stipulation and Agreed Order for Partial Judgment, the Board enters the following ORDER:

Petitioners' claims raised in this case are **dismissed with prejudice** and this Order shall constitute final resolution of the above-captioned case.

So ORDERED this 1st day of August, 1996.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Joseph W. Tovar, AICP

Board Member

Chris Smith Towne
Board Member

[1]

As a general rule, members of the Board do not participate in mediation of issues on which they will subsequently rule. In this instance, Board member Philley was finishing his term of office and would no longer be a member at the time when a hearing on the merits was to be held and a final decision and order issued.