

ORDINANCE NO. 4235

AN ORDINANCE OF THE CITY OF KIRKLAND VACATING THE JUANITA BAY PARK TOWNHOMES PLAT BASED ON AN APPLICATION FILED BY JOHN PARSAEI OF MORGAN DESIGN GROUP, FILE NO. PSB09-00001.

WHEREAS, the Department of Planning and Community Development has received an application, pursuant to Process IIB, for a Plat Vacation filed by John Parsaie of Morgan Design Group as Department of Planning and Community Development File No. PSB09-00001 to vacate the Juanita Bay Park Townhomes Plat (recorded under King County Recording No. 20080829000591) within the JBD 2 zone; and

WHEREAS, this action is exempt from the concurrency management process; and

WHEREAS, pursuant to the State Environmental Policy Act, RCW 43.21C, and the Administrative Guideline and local ordinance adopted to implement it, this action is exempt from the environmental checklist process; and

WHEREAS, the application was submitted to the Kirkland Hearing Examiner who held a hearing on the application January 21, 2010; and

WHEREAS, the Kirkland Hearing Examiner, after the public hearing and consideration of the recommendations of the Department of Planning and Community Development, adopted Findings, Conclusions and Recommendations and recommended approval of the Plat Vacation subject to the specific conditions set forth in said recommendations; and

WHEREAS, the City Council considered the entire record, including the recommendation of the Hearing Examiner, in light of the criteria for the vacation of plats set forth in KMC Chapter 22.26 and RCW 58.17.212;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. The Findings, Conclusions, and Recommendations of the Kirkland Hearing Examiner as signed by her and filed in the Department of Planning and Community Development File No. PSB09-00001 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The City Council finds that the public interest would not be served by the City retaining title to the dedicated portion of 99th Place NE. The current property owner has applied for a land surface modification permit to install a parking lot on

the property and will dedicate right of way and install street improvements along 99th Place NE as part of that permit process.

Section 3. The Juanita Bay Park Townhomes Plat, recorded under King County Recording No. 20080829000591, including the right of way dedicated along 99th Place NE, is hereby vacated.

Section 4. Nothing in this ordinance shall be construed as excusing the applicant from compliance with any federal, state or local statutes, ordinances or regulations applicable to this project, other than expressly set forth herein.

Section 5. This ordinance shall be in full force and effect five (5) days from and after its passage by the City Council and publication as required by law.

Section 6. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Section 7. A certified copy of this Ordinance shall be recorded with the King County Recorder's Office.

PASSED by majority vote of the Kirkland City Council in open meeting this 16th day of February, 2010.

SIGNED IN AUTHENTICATION THEREOF on this 16th day of February, 2010.




Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney