

RESOLUTION R-4895

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO EXECUTE AN ACCESS AND UTILITY EASEMENT OVER CITY PROPERTY.

Be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The City Manager is hereby authorized and directed to execute on behalf of the City an Access and Utility Easement substantially similar to the Access and Utility Easement attached hereto as Exhibit A.

Section 2. Compensation for the Access and Utility Easement in the amount of \$49,358 shall be remitted to the City of Kirkland before the Access and Utility Easement is recorded with King County.

Passed by majority vote of the Kirkland City Council in open meeting this 4th day of October, 2011.

Signed in authentication thereof this 4th day of October, 2011.


MAYOR

Attest:


City Clerk



ACCESS AND UTILITY EASEMENT

THIS ACCESS AND UTILITY EASEMENT ("Easement") is made this ____ day of _____, 2011, by and between the City of Kirkland ("Grantor") and Duke Goss ("Grantee").

Grantor is the owner of the real property commonly known as Kiwanis Park, which is legally described as follows (the "Property"):

That portion of vacated Lake Avenue lying South of the North line of Blewett's 1st Addition to Kirkland, according to the Plat thereof recorded in Volume 6 of Plats, page 82, records of King County, Washington;

EXCEPT the East half of said vacated Lake Avenue adjacent to Block 32 of said Plat as vacated by City of Kirkland Ordinance No. 899;

TOGETHER WITH the South 15.00 feet of the East 25.00 feet of the following described property;

That portion of Government Lot 8, Section 31, Township 26 North, Range 5 East, W.M., in King County, Washington described as follows:

BEGINNING at the intersection of the North line of Blewett's 1st Addition to Kirkland with the Westerly line of Lake Avenue as shown upon said Plat;

THENCE S 8°55' W along the Westerly line of said Lake Avenue a distance of 92.21 feet;

THENCE, S 1°24' E continuing along said Westerly line a distance of 330.94 feet;

THENCE N 89°51' W to the shore of Lake Washington;

THENCE Northerly along said shore to a point which is S 89°26' W of the POINT OF BEGINNING;

THENCE N 89°51' E to the POINT OF BEGINNING.

Grantee is the owner of real property legally described as follows:

Lot A, City of Kirkland Short Plat Number I-83-75, recorded under recording 8404139002, said Short Plat being a Subdivision of a portion of Government Lot 8, Section 31, Township 26 North, Range 5 East, W. M., in King County, and Second Class Shorelands adjoining. Tax ID: 3126059027

Grantor, for and in consideration of valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants to Grantee, and their successors and assigns, a perpetual, nonexclusive easement for access and utility purposes over, under, in, along and across the Easement Area described as follows:

The South 15.00 feet of the Property.

A diagram of the Easement Area is attached hereto.

Grantor also grants to Grantee and those acting under or on behalf of Grantee, the right to enter the Easement Area to construct, install, alter, maintain, repair or replace improvements in the Easement Area. Upon completion of any work within the Easement Area, Grantee shall restore the unimproved portion of the Easement Area, as nearly as reasonably practicable, to the condition it was in before commencement of the work.

In any legal action between the parties hereto to enforce any of the terms of this Easement, the prevailing party shall be entitled to recover all its expenses incurred in connection therewith, including reasonable attorney's fees, including and in connection with appeals.

This Easement contains the entire understanding between the parties and supersedes any prior understanding and agreements between the parties respecting the Easement. There are no representations, agreements, arrangements, or understandings, oral or written, between and among the parties hereto relating to the subject matter of this Easement which are not fully expressed herein.

This Easement shall be recorded with the King County Recorder, shall run with the land described herein, and shall be binding upon the parties, their heirs, successors-in-interest, and assigns.

DATED at Kirkland, Washington, this _____ day of _____, 2011.

CITY OF KIRKLAND

By Kurt Triplett
Its City Manager

STATE OF WASHINGTON }
County of King } SS.

On this _____ day of _____, 2011, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared **Kurt Triplett** to me known to be the **City Manager of the City of Kirkland** that executed the **Access and Utility Easement** and acknowledged the said instrument to be the free and voluntary act and deed of **the City of Kirkland**, for the uses and purposes therein set forth, and on oath stated that he was authorized to sign said instrument.

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

Notary's Signature

Print Notary's Name
Notary Public in and for the State of Washington,
Residing at: _____
My commission expires: _____

August 25, 2011

LEGAL DESCRIPTION
FOR
DUKE GOSS

ACCESS AND UTILITIES EASEMENT

The South 15.00 feet of the following described property:

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EXCEPT the East half of said vacated Lake Avenue adjacent to Block 32 of said Plat as vacated by City of Kirkland Ordinance No. 899;

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Thence S 8°55' W along the Westerly line of said Lake Avenue a distance of 92.21 feet;

Thence S 1°24' E continuing along said Westerly line a distance of 330.94 feet;

Thence N 89°51' W to the shore of Lake Washington;

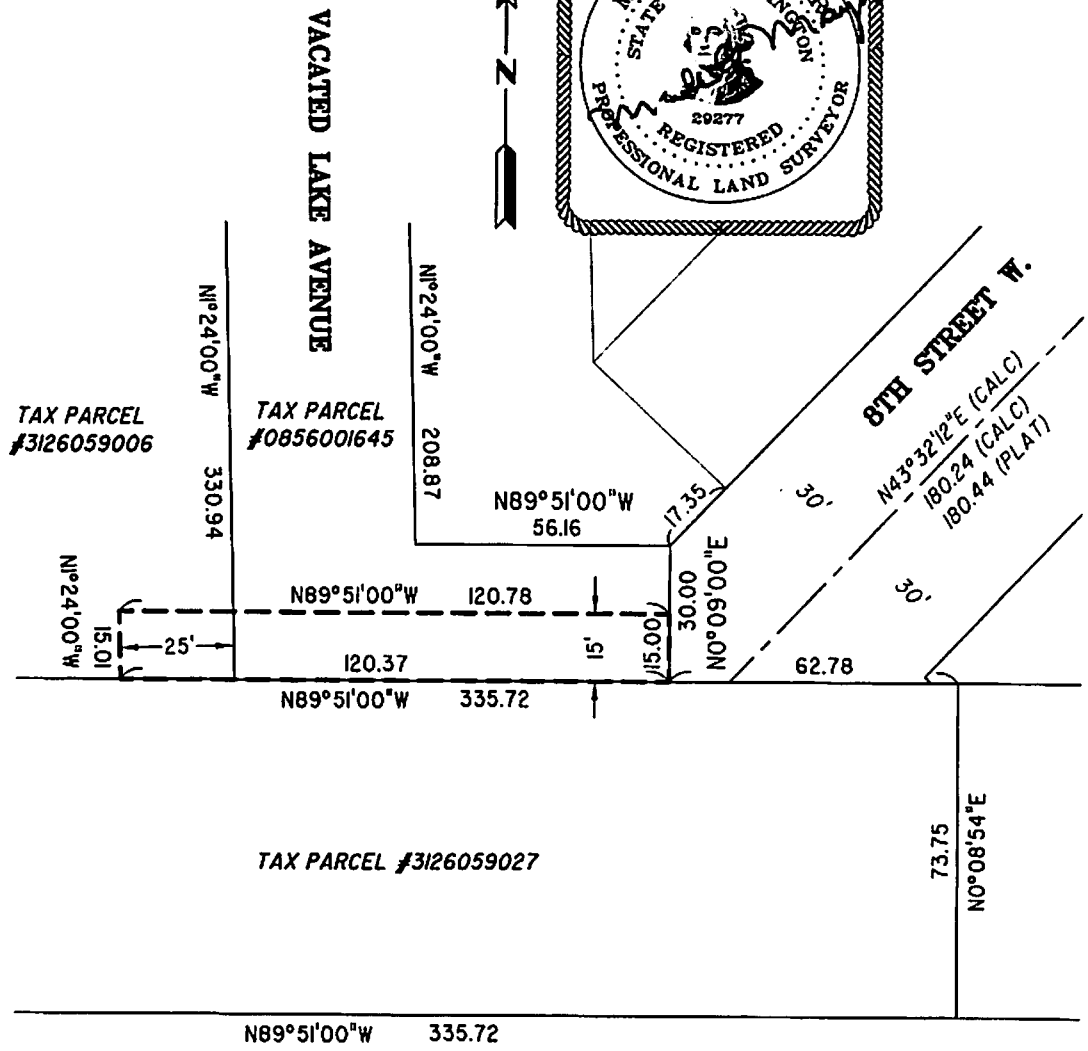
Thence Northerly along said shore to a point which is S 89°26' W of the POINT OF BEGINNING;

Thence N 89°51' E to the POINT OF BEGINNING.



Prepared by:	mm
Checked by:	DL

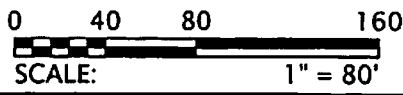
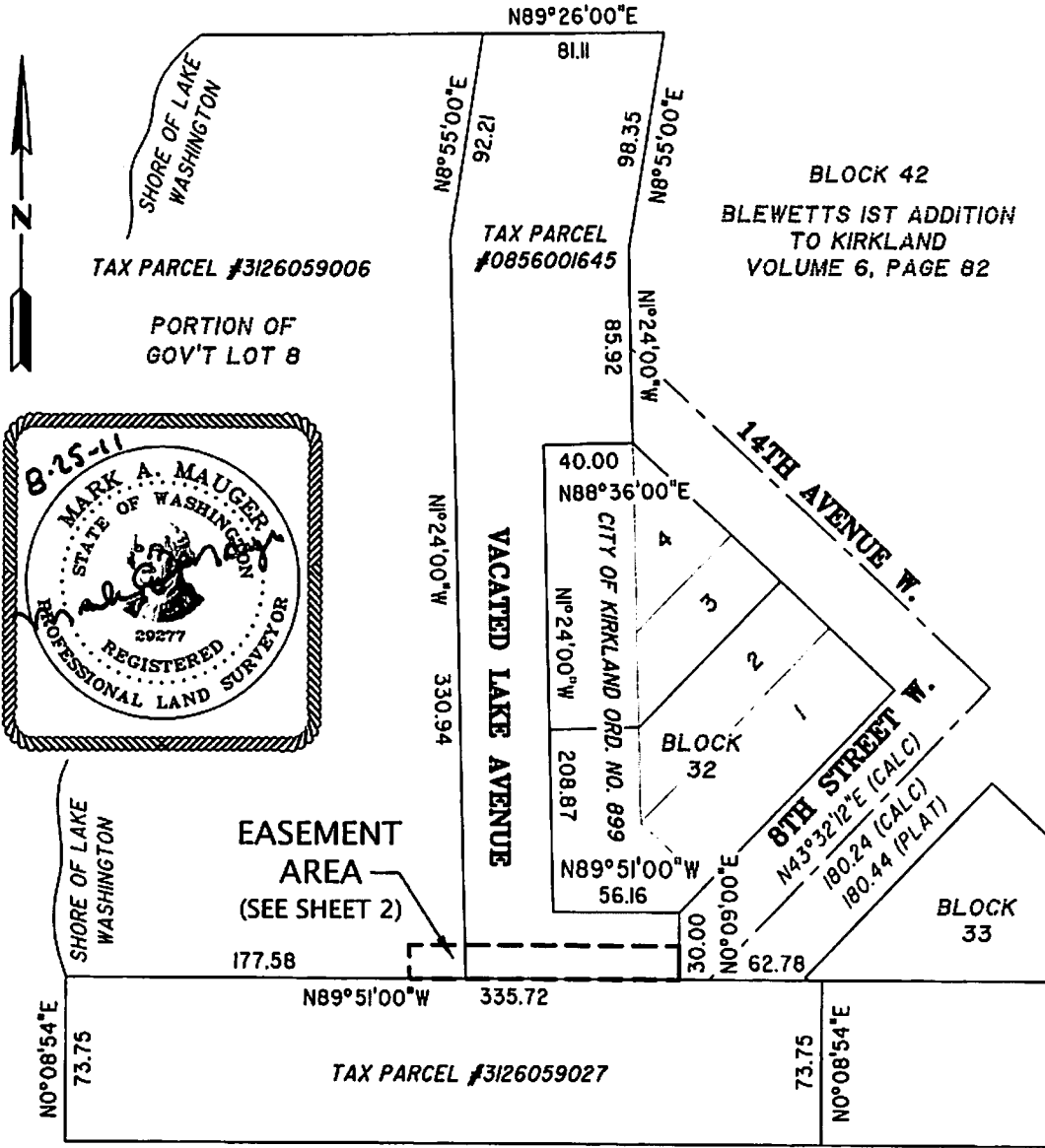
SW 1/4, SE 1/4 SECTION 31, TOWNSHIP 26 N, RANGE 5 E, W.M.
CITY OF KIRKLAND, KING COUNTY, WASHINGTON



0 20 40 80
SCALE: 1" = 40'

<p>GOLDSMITH LAND DEVELOPMENT SERVICES PO Box 3565, Bellevue, WA 98004 T 425 462 1080 F 425 462 7719</p>	DUKE GOSS 11085	
	ACCESS & UTILITIES EASEMENT FOR DUKE GOSS	
<p>SCALE: 1" = 80' APR: MMAUGER BY: EMALM 11085X03.dwg EMALM 08/25/11 13:40</p>	KING COUNTY WASHINGTON	
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SW 1/4, SE 1/4 SECTION 31, TOWNSHIP 26 N, RANGE 5 E, W.M.
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SCALE: 1" = 80' APR: MMAUGER BY: EMALM 11085X03.dwg EMALM 08/25/11 13:27	KING COUNTY WASHINGTON	
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8-25-11

DUKE GOSS SURVEY #11085 REFERENCE 03063-22P
COORDINATE FILE : 03063C22.CRD

SET #10 PROPOSED ACCESS/UTIL ESMT

FROM	BEARING/ANGLE	DISTANCE	TO	NORTH	EAST	ELEV
			76	8758.8997	10072.2787	
76	NW 89 51'00"	95.362	66	8759.1494	9976.9170	
66	NW 89 51'00"	25.009	79	8759.2149	9951.9081	
79	NW 01 24'00"	15.005	78	8774.2154	9951.5415	
78	SE 89 51'00"	25.009	75	8774.1499	9976.5504	
75	SE 89 51'00"	95.767	77	8773.8992	10072.3171	
77	SW 00 09'00"	15.000	76	8758.8993	10072.2778	
CLOSURE:						
76	NE 66 02'15"	.001	76	8758.8997	10072.2787	
ERROR:				-.0004	-.0009	

1 PART IN 275313

PERIMETER	AREA (sq ft)	AREA (acres)
271.1529	1808.537	.042