

ORDINANCE NO. 2226

AN ORDINANCE OF THE CITY OF KIRKLAND VACATING CERTAIN PORTIONS OF N.E. 108th STREET AS SPECIFICALLY DESCRIBED THEREIN AND EXTENDING WEST FROM 120th AVENUE N.E. APPROXIMATELY 412 FEET.

WHEREAS, Petition has been filed, valid in form, with the City of Kirkland requesting the vacation of a portion of a certain street as hereinafter more specifically described, and

WHEREAS, by Resolution No. 2182 adopted by the City Council of Kirkland on May 7, 1973, a date was set for public hearing on the proposed street vacation, and

WHEREAS, due and proper notice of said hearing was given in accordance with law, and

WHEREAS, following said public hearing and its continuance thereof on July 2, 1973 a vote of the Council was taken favoring said street vacation, and

WHEREAS, it appears desirable and to the best interests of the City, its residents and property owners abutting thereon that said street be vacated, and

WHEREAS, the abutting property owner has deposited with the City of Kirkland \$ 8,663.55 which represents one-half of the fair market value of said property to be vacated as determined by a competent appraisal,

NOW, THEREFORE, The City Council of the City of Kirkland do ordain as follows:


Section 1. The following specifically described portion of N.E. 108th Street, located within Kirkland Juanita Acre Tracts, according to Plat thereof, records of King County, shall and hereby is declared to be vacated:

That portion of N.E. 108th Street, commencing at the western boundary of 120th Avenue N.E., and extending westerly from said intersection a distance of 412.55 feet.

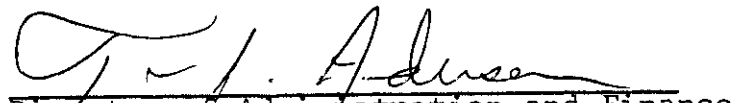
Section 2. This Ordinance shall be in full force and effect five days from and after its passage by the Council and publication as required by law.

PASSED by the City Council of the City of Kirkland in regular meeting on the 2nd day of July, 1973.


SIGNED in authentication thereof on the 2nd day of July, 1973.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Director of Administration and Finance  
(ex officio City Clerk)

Approved as to form:

  
\_\_\_\_\_  
City Attorney

Recorded: July 13, 1973  
# 7307130522

Ordinance No 2226

Mailing Address: Teltone  
10801 120th Ave. NE  
Kirkland, Wa. 98033

AMENDED

ADMINISTRATIVE REPORT:

REPORT AMENDED: June 26, 1973  
REPORT PREPARED: June 7, 1973 FILE NO.: V-73-30  
NAME: Teltone Corporation HEARING BODY: Planning Commission  
PROPERTY LOCATION: N.E. 108th Street HEARING DATE: June 14, 1973  
SUBJECT: STREET VACATION APPLICATION FOR PORTIONS OF N.E. 108th Street.

BACKGROUND ANALYSIS:

This is a joint application by the Teltone Corporation, owner of Parcel A shown on the attached site plan and the Puget Sound Land Company, owner of Parcel C as shown on the site plan for the Vacation of that portion of N.E. 108th Street lying between the two properties. Teltone Corporation at this time is in the process of closing the purchase of Parcel C from Puget Sound Land Company, thereby consolidating Parcel A, Parcel C and the existing right-of-way between the two parcels.

FINDINGS:

The following Findings relate to the Street Vacation Request at hand:

1. The right-of-way in N.E. 108th Street has no public improvements in it.
2. There are no utilities in the subject right-of-way with the potential exception of the Metro trunk main which may go through the western portion of it.
3. The Arterial Circulation Plan does propose a potential connection between 120th Ave. N.E. and 116th Ave. N.E. via the wooded ravine immediately south of Parcel C. This system would be a Collector Arterial extending from N.E. 116th St. south to N.E. 87th St. The vacation of the right-of-way under this application may preclude the eventuality of this type of connection, or at least require the City to re-purchase some right-of-way in the future.
4. The subject right-of-way dead-ends to the west against the Burlington Northern Railroad right-of-way and to the east abuts the I-405 right-of-way and connects to 120th Ave. N.E.
5. This is a joint application by the owner of Parcel A and Parcel C and the owner of Parcel A further is in the process of closing the purchase of Parcel C.
6. The subject right-of-way appears to have been graded within the last five years and therefore void of any substantial vegetation.

7. The Vacation of the subject property would effectively cut off access to the property west of Parcel C.
8. No Departments of the City of Kirkland have indicated any opposition to the Street Vacation as requested.
9. A proper application has been filed and a competent appraisal submitted indicating a value of 70¢ per square foot. (The City would sell then for 35¢ per square foot.)
10. The right-of-way under this Vacation Application measures approximately 60 feet by 442 feet or 26,520 square feet. (At 35¢ per foot, this would net the City \$9,282.00.)
11. To date, no opposition has been submitted to the City of Kirkland on this proposed Street Vacation.

#### CONCLUSIONS:

The following conclusions will relate directly to the items numbered under the Findings above.

1. The fact that the subject right-of-way is unimproved would be a positive factor in the granting of this Street Vacation request.
2. Consideration should be given to guarantee that adequate easements are secured for the Metro trunk main, if this goes through any portion of the subject right-of-way and for the 36" storm drain that goes across the subject property and empties into the creek bed that eventually goes through Juanita Slough and into Lake Washington.
3. The Public Service Department and the Department of Community Development conducted a field inspection of this entire site and reached the following conclusions regarding the proposed right-of-way connection indicated in the Arterial Circulation Plan:
  - a. The aerial photography and planimetric mapping completed for the City in 1968 upon which the proposed connection of 120th Ave. N.E. and 116th Ave. N.E. was based, is substantially in error by not correctly indicating the magnitude of the ravine separating Parcel C from properties to the south. Sheer elevation changes of 50-75 feet exist from toe to heel of slopes in this wooded ravine with a significant stream of water flowing from the freeway and the basin extending east and south to Lake Kirkland.
  - b. A collector arterial connection as originally proposed would be extremely expensive and very difficult to warrant on a benefit-cost analysis.

- c. The desirability of this connection, aside from the physical and economic issues is very questionable with the growing emphasis to use such natural physical features to separate land use activities such as residential from industrial uses. The existing natural buffer is visually and acoustically effective, exists virtually in a natural state and could not be replaced if once destroyed.
- d. There is not present or anticipated demand for this connection with the completion of improvements to the I-405 system in Kirkland.
4. The fact that the subject property dead-ends to the west against the railroad tracks and abuts Interstate 405 to the east is a positive factor for granting this subject Vacation if an alternative access route is offered guaranteeing access to the property west of Parcel C, as shown on the attached map.
5. The fact that the subject property is void of substantial vegetation would eliminate the possibility of requiring certain vegetation which could be an asset to the community to remain.
6. Prior to this Vacation Application being finally granted, an alternative access route should be submitted by the owner of Parcel A which would guarantee access to the property lying west of Parcel C. A 30 foot wide floating easement has been provided through Parcel A connecting to the remaining right-of-way west of this Vacation Application. Our Public Service Director has recommended that the total complex be connected to the Metro Sanitary Sewer System.
7. Since no Departments of the City of Kirkland are opposed to this Street Vacation, this would be a positive factor in the granting of same.
8. Since proper application and appraisal have been submitted to the City of Kirkland, this would be a positive factor for the granting of the Street Vacation.
9. The measurements of the property and the net revenue to the City are mentioned as a Statement of Fact and available merely for informational purposes.
10. Since no opposition has been submitted to the City to date, it can be assumed that this is not a controversial matter.
11. The Metro trunk line goes through the western portion of that part of N.E. 108th St. that this street vacation is being applied for. Metro has requested the City of Kirkland not grant this vacation until they have been granted an easement by the applicant.

RECOMMENDATION:

We recommend that this request for a Vacation of the portion of N.E. 108th Street as included under this application be granted subject to the following conditions:

1. That if it is determined that the Metro trunk line right-of-way goes through any portion of this right-of-way, that a letter be granted by Metro indicating they are not opposed to this action.
2. That the total complex be connected to the Metro Sanitary Sewer System.
3. That this not be finally granted by the City Council until such time as Metro has received an easement for the Metro trunk line which is in the western end of the right-of-way under this application.
4. Based on the Findings and Conclusions above regarding the Arterial Circulation Plan, the potential connection between 120th Ave. N.E. and 116th Ave. N.E. be reconsidered in future revisions to the Plan, and that this Vacation be permitted in light of these Conclusions.



Chairman,  
Kirkland Planning Commission



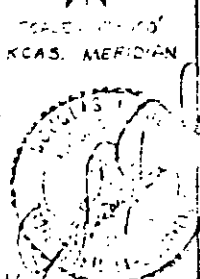
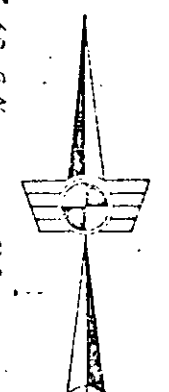
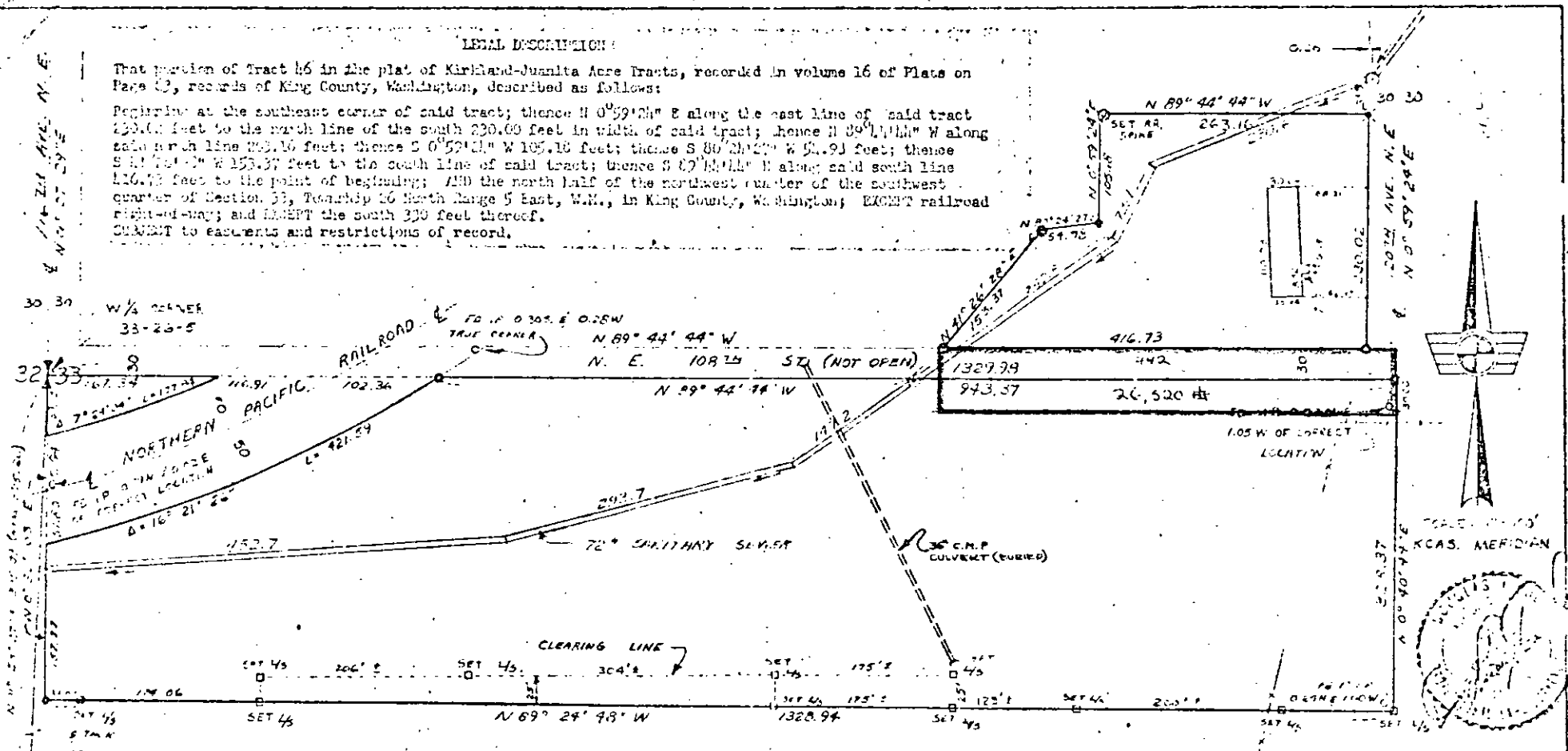
Associate Planner,  
Department of Community Development

KS:bk

LEGAL DESCRIPTION:

That portion of Tract 46 in the plat of Kirkland-Juanita Acre Tracts, recorded in volume 16 of Plats on Page 63, records of King County, Washington, described as follows:

Beginning at the southeast corner of said tract; thence N 0° 59' 24" E along the east line of said tract 230.00 feet to the north line of the south 230.00 feet in width of said tract; thence N 89° 44' 44" W along said north line 263.16 feet; thence S 0° 59' 24" W 105.16 feet; thence S 80° 24' 27" W 51.93 feet; thence S 81° 54' 07" W 153.37 feet to the south line of said tract; thence S 82° 44' 44" E along said south line 116.73 feet to the point of beginning; AND the north half of the northwest quarter of the southwest quarter of Section 33, Township 26 North Range 5 East, W.M., in King County, Washington; EXCEPT railroad right-of-way; and EXCEPT the south 230 feet thereof. SUBJECT to easements and restrictions of record.

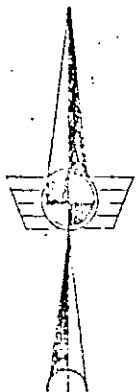
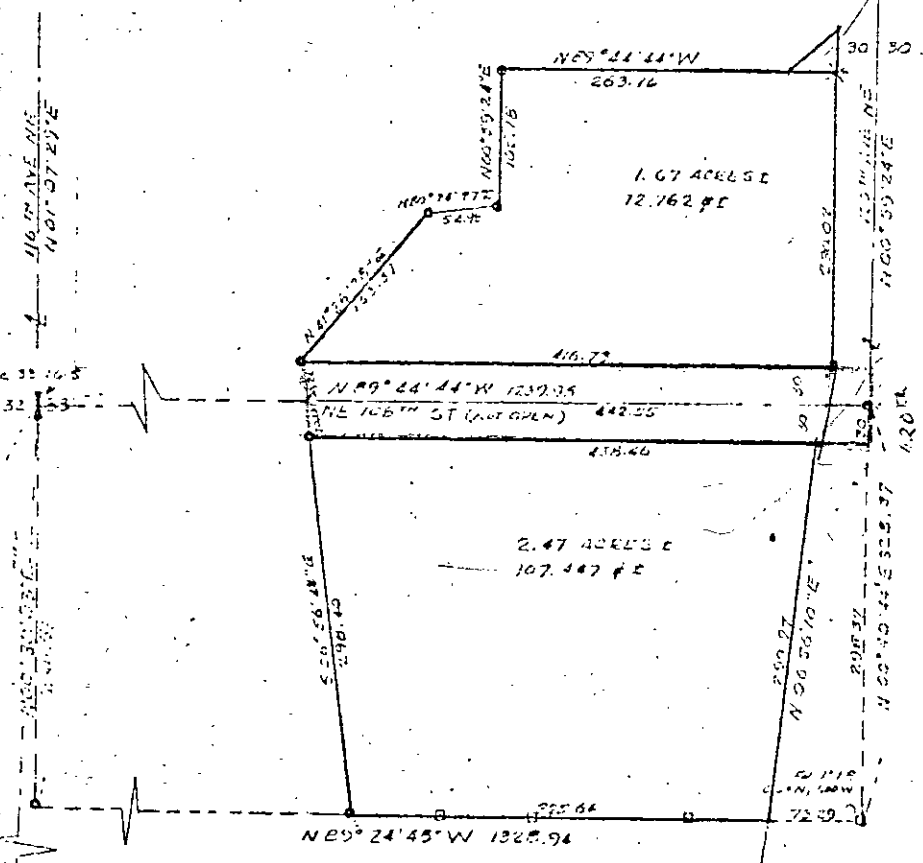
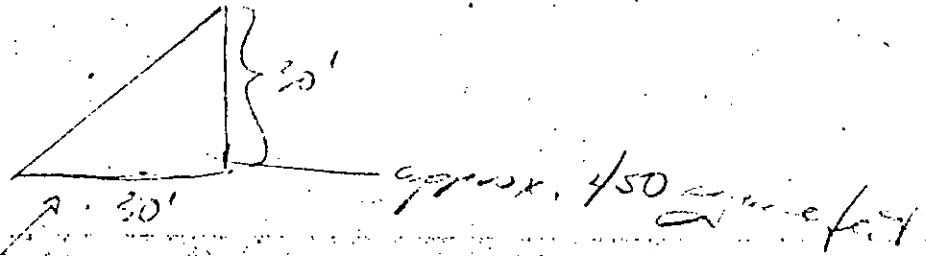


**NOTE:**  
 DIMENSIONS AND BEARINGS SHOWN HEREON ARE  
 BASED ON RUSKIN FISHER & ASSOCIATES, INC. SURVEY  
 JOB NO. 67554 DATED 9-18-67, AND THEIR CORRECTNESS  
 IS LIMITED TO THE ACCURACY OF THAT DRAWING

- NOTE:**
- 32 33 INDICATES CONC. MON. FOUND
  - INDICATES 3/8" STEEL BAR SET
  - INDICATES LOT STAKE SET
  - ⊙ INDICATES EXISTING METRO SEWER MANHOLE
  - INDICATES EXISTING FENCE
  - INDICATES IRON PIPE FOUND
  - INDICATES F.P.M. MARK SET

DATE	APPROVED BY	DATE	APPROVED BY
9/11	Douglas Fisher	9/11	Douglas Fisher
<b>PUGET SOUND LAND CO.</b>			
444 N.E. RAVENNA - SUITE 202 SEATTLE 98105			
<b>PROPERTY SURVEY</b>			
DOUGLAS FISHER - S		Estate, Washington	
DRAWN BY: DW	DATE: 22 JUNE 77	CHECKED BY: DJD	BOOK NO. 207-115
APPROVED BY: [Signature]	DATE: 11/11/77	APPROVED BY: [Signature]	SHEET 1 OF 1 SHEET

Road Encroachment  
 1/4 Sec 16 from Pt. 10  
 1st. Base



SCALE: 1" = 100 FT  
 KCAS. MERIDIAN

LEGAL DESCRIPTION

That portion of Tract 46 in the plat of Kirkland-Units  
 Acre Tracts, recorded in Volume 10 of Plats, in Page 61,  
 records of King County, Washington, described as follows:

Beginning at the southeast corner of said tract; thence  
 N 0° 00' 24" E along the east line of said tract 133.00  
 feet to the north line of the south 24' 30" feet in width  
 of said tract; thence N 89° 24' 44" W along said north line  
 263.14 feet; thence S 0° 00' 24" W 105.23 feet; thence  
 S 89° 24' 17" W 14.66 feet; thence S 41° 24' 28" W 123.37 feet  
 to the south line of said tract; thence S 0° 00' 24" E  
 along said south line 114.71 feet to the point of beginning.

Also that portion of the north half of the northwest  
 quarter of the southeast quarter of Section 35, Township 26  
 North, Range 5 East, W.M., except the south 330 feet  
 thereof lying westerly of the westerly right-of-way margin  
 of State Highway 5105 and easterly of the following  
 described line: beginning at the northwest corner of  
 said subdivision; thence N 89° 24' 44" W 442.55 feet along  
 the north line of said subdivision to the true point of  
 beginning of said line; thence S 0° 00' 24" E 330 feet to  
 the north line of said south 330 feet of said subdivision  
 and the terminus of said line.

LESS any portion thereof deeded to the City of Kirkland for  
 road.

SUBJECT to easements and restrictions of record.

Contains 160,209 ± square feet, or 4.14 ± acres.

- Set 2"x3" White stake
- Found 1" iron pipe
- Set 1/2" steel rod
- ✕ Set 2"x4" stake
- Set 2"x4" spike

655



**PUGET SOUND LAND CO.**  
 12555 KINGS-CASCADE WAY NE, KIRKLAND, WA 98035

**PROPERTY SURVEY**

EDWARD J. ...  
 1968 ...  
 1968 ...  
 1968 ...