

RESOLUTION R-5396

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO SIGN A TEMPORARY ROAD AND CONSTRUCTION ACCESS AGREEMENT WITH KIRKLAND URBAN PHASE III OWNER, LLC FOR THE TEMPORARY USE OF CITY PROPERTY FOR THE PURPOSE OF CONSTRUCTION ACCESS, CONSTRUCTION STAGING AND THE CONSTRUCTION OF PUBLIC UTILITIES AND PARK IMPROVEMENTS TO BE PERMANENTLY LOCATED IN THE EASTERLY EDGE OF PETER KIRK PARK.

1 WHEREAS, the City owns the real property known as the Peter
2 Kirk Park generally located at 406 Kirkland Avenue, Kirkland (City
3 Property); and
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5 WHEREAS, Kirkland Urban Phase III Owner, LLC (KUP) owns or
6 controls approximately 0.59 acres of real property immediately east of
7 and adjacent to the City Property known as Kirkland Urban South and
8 generally located at 211 Park Place Center, Kirkland (KUS Property); and
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10 WHEREAS, KUP intends to develop the KUS Property as a mixed-
11 use development (the Project) in accordance with the Development
12 Agreement dated August 24, 2015, recorded at King County Recording
13 Number 20150827000785; and
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15 WHEREAS, this portion of the Project calls for approximately
16 250,000 square feet of office and 60,000 square feet of
17 retail/entertainment per Ordinance 4677 approved by City Council
18 January 15, 2019; and
19

20 WHEREAS, KUP's goals for the development is a thriving retail
21 and commercial center, for a return on investment and quality public
22 infrastructure and service; and
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24 WHEREAS, the City's goals for the development include
25 implementing its comprehensive plan, producing positive economic
26 impacts to the City, promoting environmental quality, and mitigation of
27 Project impacts; and
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29 WHEREAS, in connection with KUP's construction of the Project,
30 KUP has requested that the City grant KUP a Temporary Road and
31 Construction Access Agreement ("Temporary Access Agreement") over,
32 under, across, through and upon a portion of the City Property for the
33 purposes of construction access, construction staging, and construction of
34 public utility lines which will be permanently placed in the easterly edge of
35 Peter Kirk Park; and

36 WHEREAS, in consideration of the City's grant of the Temporary
37 Access Agreement, KUP shall replace all disturbed landscaping and
38 improvements, and construct and install pedestrian pathways, landscaping
39 and a public plaza amenity to Peter Kirk Park; and

40
41 WHEREAS, in consideration of the City's grant of the Temporary
42 Access Agreement, KUP shall also pay the License Fee as set forth in the
43 Temporary Access Agreement; and

44
45 WHEREAS, in view of the public benefits to be gained by the City
46 through construction and installation of improvements to the Park, the
47 payment of a License Fee and development of this portion of the Project,
48 the City is willing to grant the Temporary Access Agreement upon the
49 terms and conditions set forth in the Temporary Access Agreement.

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51 NOW, THEREFORE, be it resolved by the City Council of the City
52 of Kirkland as follows:

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54 Section 1. The City Manager is authorized and directed to
55 execute on behalf of the City of Kirkland the Temporary Road and
56 Construction Access Agreement substantially similar to that attached to
57 this Resolution as Exhibit "A."

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59 Passed by majority vote of the Kirkland City Council in open
60 meeting this 15th day of October, 2019.

61
62 Signed in authentication thereof this 15th day of October, 2019.


Penny Sweet, Mayor

Attest:


Kathi Anderson, City Clerk