

ORDINANCE NO. 2723

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AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO VACATING A PORTION OF A RIGHT-OF-WAY BASED ON AN APPLICATION FILED BY CUMBERLAND NORTHWEST, FILE NO. VC-82-28.

WHEREAS, by Resolution R-2957 adopted on September 20, 1982, the City Council of the City of Kirkland established that it would vacate a portion of a right-of-way if certain conditions were met; and

WHEREAS, the conditions specified in Resolution No. 2957 have been satisfied.

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

Section 1. Portions of rights-of-way situated in Kirkland, King County, Washington and described as follows:

All that portion of 5th Street (also known as 107th Ave. N.E.), City of Kirkland, State of Washington, extending from the northerly right-of-way of Kirkland Way northerly to the southerly right-of-way of 2nd Avenue (also known as N.E. 83rd Street), all in the Southeast one-quarter of the Southwest one-quarter of Section 5, Township 25 North, Range 5 East of the Willamette Meridian.

ALSO, a portion of 2nd Avenue (also known as N.E. 83rd Street) described as follows: bounded on the west by the northerly prolongation of the westerly right-of-way of 5th Street (also known as 107th Avenue N.E.); bounded on the east by a line which is radial to the centerline of 2nd Avenue and which lies 15.00 feet westerly, as measured along the northerly right-of-way of 2nd Avenue, from the southeasterly corner of Lot 23, Block 174, Burke and Farrars Kirkland Addition, all in the Southeast one-quarter of the Southwest one-quarter of Section 5, Township 25 North, Range 5 East of the Willamette Meridian.

be and the same hereby are vacated, except that the City shall retain and reserve an easement together with the right to grant easements along, over and under the vacated street for the installation, construction, repair and maintenance of public utilities and services; provided that prior to the City's installation of public utilities and services along, over and under the vacated street, the City and the then Vestee of the vacated property (hereinafter called Vestee) shall enter into an agreement specifically describing and limiting the easement specifically reserved and the specific rights of the parties to use, maintain and/or relocate the easement; provided further that Vestee shall have the right to install, construct, repair and maintain along, over and under the vacated street utility lines, telephone lines, parking facilities, roadways, sidewalks, traffic signals, shrubs, trees, grassed areas and landscaping and other like amenities; and provided further that Vestee shall have the right to install, construct, repair and

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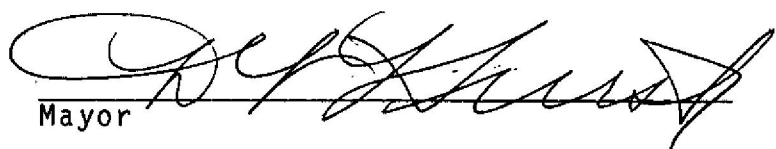
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maintain permanent buildings with permanent foundations along, over and under the vacated street with the City's consent, such consent not to be unreasonably withheld.

Section 2. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and posting or publication, as required by law.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 3rd day of January, 1983.

SIGNED in authentication thereof this 3rd day of January, 1983.


Mayor

ATTEST:

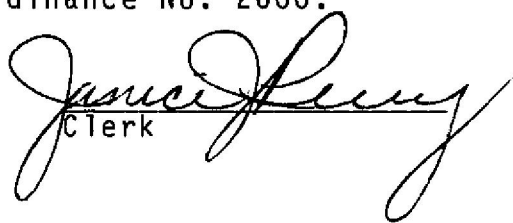

Director of Administration and Finance
(ex officio City Clerk)

APPROVED AS TO FORM:


City Attorney

RECORDED THIS DAY
JAN 12 12 36 PM '83
BY THE DIVISION OF
RECORDS & ELECTIONS
KING COUNTY

I hereby certify under penalty of perjury that the foregoing ordinance was posted on the Sixth day of January, 1983 in accordance with the provisions of RCW 35A.12.160 and City of Kirkland Ordinance No. 2600.


Clerk

2730B/bk

FILED for Record at Request of
City of Kirkland
Norma
Address 1238-4 Ave
99032