

ORDINANCE NO. 3038

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO VACATING TWO ROAD EASEMENTS AND ONE UTILITY EASEMENT BASED ON AN APPLICATION FILED BY SKINNER DEVELOPMENT COMPANY, FILE NO. VC-86-76.

WHEREAS, the City Council has received from the Department of Planning and Community Development a recommendation to vacate certain easements as set forth in that report and recommendation of the Department of Planning and Community Development bearing File No. VC-86-36; and

WHEREAS, the City Council in regular meeting has adopted the Findings of Fact, Conclusions and Recommendations presented in said report of the Department of Planning and Community Development; and

WHEREAS, the City Council of the City of Kirkland did on August 17, 1987, hold a public hearing and determined that the public interest and general welfare will be served by vacation of these easements.

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:

1. Road Easement

A strip of land forty (40) feet wide parallel and contiguous to the easterly right-of-way line of State Highway No. 2-A (Lake Washington Boulevard) from Highway Engineers Survey Station 40 + 36.5 to the south line of the following described tract of land: That portion of the southerly 252.5 feet of the northerly 1483.1 feet of the west half of the northwest quarter of Section 17, Township 25 North, Range 5 East W.M. lying between the easterly margin of State Highway No. 2-A (Lake Washington Boulevard) and the westerly margin of Northern Pacific Railway Company Right-of-Way, situate in the County of King, State of Washington.

2. Road Easement

That certain real property located in Section 17, Township 25 North, Range 5 East, W.M. which formerly constituted a portion of the W.H. Curtis Road No. 456 and is described as follows:

Parcel 1

Commencing at or near the old Shipyard at Houghton, later known as the Anderson Shipbuilding Corporation's plant, running then in a southerly direction of about 1/2 mile, and ending at Northup's Landing on the east shore of Lake Washington.

Parcel 2

Beginning at a point where the W.H. Curtis Road No. 456 intersects or leaves the new "Kirkland-Houghton Road" at approximately engineering station 272 + 17, said point being at or near the north line of the Albert M. Machott in government Lot 1, Section 17, Township 25 North, Range 5 East, W.M., then southerly and southeasterly for a distance of about 1/2 mile to where said road #456 joins the said new Kirkland-Houghton Road at or near engineering station 396 + 52 and government Lot 3, Section 17, Township 25 North, Range 5 East, W.M.

3. Utility Easement

An easement for water pipes for fire protection purposes as described in an instrument recorded under King County Recording No. 1197927.

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 easements for the installation, construction, repair, and maintenance of public utilities and services; provided that, at the earliest of either Vestee's request or prior to the City's installation of public utilities and services along, over, and under the vacated easements, 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 easements utility lines, telephone lines, parking facilities, roadways, sidewalks, traffic signals, shrubs, trees, grassed areas, landscaping, and other like amenities;~~ and provided further that Vestee shall have the right to install, construct, repair, and maintain permanent buildings with permanent foundations along, over, and under the vacated easements with the City's consent, such consent not to be unreasonably withheld.

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

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 17th day of August, 1987.

SIGNED in authentication thereof this 17th day of August, 1987.

David Cooper
Mayor

ATTEST:

Jamie Deery
City Clerk

APPROVED AS TO FORM:

Ralph [Signature]
City Attorney

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