

This Ordinance, No. 3054, was reenacted on March 15, 1988, correcting the Scrivener's Errors which are highlighted on pages 2 and 4.

ORDINANCE NO. 3054

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO VACATING A PORTION OF A RIGHT-OF-WAY BASED ON AN APPLICATION FILED BY LINCOLN PROPERTY COMPANY, FILE NO. VC-87-43.

WHEREAS, by Resolution 3396 adopted on July 6, 1987, 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. 3396 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:

Section 4. The right-of-way to be vacated is situated in Kirkland, King County, Washington and is described as follows:

All that portion of N.E. 109th Street (a.k.a. Helene Avenue Extension and Improvement) lying westerly of the east 30.00 feet of Section 32, Township 26 North, Range 5 East, W.M., in King County, Washington, and easterly of the east line of Lots 19 and 20, Kirkland-Juanita Acre Tracts as recorded in Volume 16 of Plats, page 63, records of said county;

AND all that portion of 112th Avenue N.E. lying northerly of N.E. 108th Street (a.k.a. Tacoma Avenue Road Improvement #1909) and southerly of a line described as follows:

Commencing at the southwest corner of Lot 18, Kirkland-Juanita Acre Tracts, as recorded in Volume 16 of Plats, page 63, records of King County, Washington; thence N01°02'18"E, along the west line of said Lot 18, a distance of 1.10 feet to the TRUE POINT OF BEGINNING of the herein described line, said point being on a 58.00 foot radius circular curve to the right, from which point the center of said curve bears N00°56'16"W; thence westerly, along said curve, through a central angle of 02°12'01", an arc distance of 2.23 feet to a point of tangency; thence N88°44'15"W 57.77 feet to the west margin of said 112th Avenue N.E. and the terminus of the herein described line;

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AND all that portion of N.E. 108th Street (a.k.a. Tacoma Avenue Road Improvement #1909 and a.k.a. Tacoma Avenue Extension Road #1227) lying west of the east 30.00 feet of Section 32, Township 26 North, Range 5 East, W.M., in King County, Washington, and lying east of the following described line:

Commencing at the northeast corner of Lot 17, Burke and Farrar's Kirkland Addition to the City of Seattle, Division No. 9, as recorded in Volume 19 of Plats, page 69, records of said county; thence $N80^{\circ}43'21''W$, along the north line thereof, 39.45 feet to the TRUE POINT OF BEGINNING; thence $N09^{\circ}16'39''E$ 60.00 feet to the terminus of the herein described line;

AND all that portion of N.E. 106th Street (a.k.a. Tacoma Avenue) lying southerly of N.E. 108th Street and easterly of the west 30.00 feet of the southeast quarter of Section 32, Township 26 North, Range 5 East, W.M., in King County, Washington, as delineated in the plat of Burke and Farrar's Kirkland Addition to the City of Seattle, Division No. 9, as recorded in Volume 19 of Plats, page 69, records of said county;

AND all of those portions of the alley adjoining Lots 16, 17, and 18 and Lots 19 and 22, Block 22, Burke and Farrar's Kirkland Addition to the City of Seattle, Division No. 9, as recorded in Volume 19 of Plats, page 69, records of King County, Washington.

Containing +285,099 square feet or 6.5450 acres more or less.

Situate in the County of King, State of Washington, and described as follows:

PARCEL 1:

Lots 5, 6, and 7, Block 21, Burke & Farrar's Kirkland Addition to the City of Seattle, Division No. 9, according to the plat thereof recorded in Volume 19 of Plats, page 69, in King County, Washington;

TOGETHER WITH Lots 16, 17, 18, 19, 20, 21, 22, and 23, Block 22, said Burke & Farrar's Kirkland Addition to the City of Seattle, Division No. 9;

EXCEPT that portion of said Lot 16, described as follows:

Beginning at the northwest corner of said Lot 16; thence south $80^{\circ}42'53''$ east, along the north line of said Lot 16, for 101.06 feet; thence south $00^{\circ}57'06''$ west, parallel with the west line of said Lot 16, for 113.00 feet;

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thence north 89°01'22" west, parallel with the south line of said Lot 16, for 100.00 feet to the west line of said Lot 16;

thence north 0°57'06" east, along said west line, for 127.60 feet to the northwest corner of said Lot 16 and the point of beginning;

EXCEPT THAT PORTION OF SAID Lot 18 conveyed to King County for Northeast 108th Street (Tacoma Avenue Improvement Road NO. 1909) as disclosed by survey recorded June 26, 1979 under King County Recording Number 7906269009;

TOGETHER WITH Lots 24, 25, 26, 27, 28, 29, and 30, Block 23, said Burke & Farrar's Kirkland Addition to the City of Seattle, Division No. 9;

EXCEPT that portion of said Lots 28, 29, and 30, acquired in fee by the Municipality of Seattle under Condemnation Proceedings in King County Superior Court Case No. 730713;

ALSO EXCEPT that portion of said Lot 30 conveyed to King County for road purposes by Deed recorded under King County Recording Number 2761967;

TOGETHER WITH Lot 17, Kirkland-Juanita Acre Tracts, according to the plat thereof recorded in Volume 16 of Plats, page 63, in King County, Washington;

EXCEPT the west 90.00 feet of the east 540.00 feet of the north 125.00 feet thereof;

ALSO EXCEPT the north 130.00 feet of the west 90.84 feet thereof;

and

ALSO EXCEPT the north 133.00 feet of the east 450.00 feet thereof;

TOGETHER WITH Lots 18, 19, 20, 21, said Kirkland-Juanita Acre Tracts;

EXCEPT that portion of said Lot 20 conveyed to King County for road purposes by Deed recorded under King County Recording Number 2761966; ALSO EXCEPT that portion of said Lot 21, acquired in fee by the Municipality of Seattle under Condemnation Proceedings in King County Superior Court Case No. 730713;

TOGETHER WITH that portion of the unnamed platted street, as vacated under City of Kirkland Ordinance NO. 824, lying between Lots 20 and 21, said Kirkland-Juanita Acre Tracts;

TOGETHER WITH that portion of the unnamed platted street, as vacated under Commissioners Journal No. 39, page 79, King County, Washington, lying between the southerly line of Lot 21, said Kirkland-Juanita Acre Tracts and the northerly margin of the Northern Pacific Railway Passing through Section 32, Township 26 North, Range 5 East, W.M., in King County, Washington.

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PARCEL 2:

Lots 38, 39, and 40, said Kirkland-Juanita Acre Tracts;
 EXCEPT the north 25.00 feet of the east 250.00 feet of
 said Lot 40;
 ALSO EXCEPT south 30.00 feet of said Lot 38 for road
 purposes;
 ALSO EXCEPT the north 30.00 feet of said Lot 38 for road
 purposes;
 EXCEPT that portion of Lot 38 conveyed to King County
 for Tacoma Avenue Extension Road No. 1227 by Deed re-
 corded under King County Recording Number 2761970;
 AND EXCEPT that portion of Lot 39 conveyed to King
 County for Tacoma Avenue Extension Road No. 1227 as
 disclosed by survey recorded on June 26, 1979 under King
 County Recording Number 7906299009.

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 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 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 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 5th day of October, 1987.

SIGNED in authentication thereof this 5th day of October, 1987.

Everly W. Cox
 Mayor Pro tem

ATTEST:

James Perry
City Clerk

APPROVED AS TO FORM:

Ralph E. [Signature]
City Attorney

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RECEIVED THIS DAY

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BY THE D.M. IN CH OF
RECORDS & PERMITS
KING COUNTY

RECORDED AT THE REQUEST OF:
CITY CLERK
CITY OF KIRKLAND
123 - 5TH AVENUE
KIRKLAND, WA 98033-6189