

ORDINANCE 3106

AN ORDINANCE OF THE CITY OF KIRKLAND, WASHINGTON DECLARING THE NECESSITY TO TAKE OR DAMAGE FOR PUBLIC USE CERTAIN REAL PROPERTY AND REAL PROPERTY INTERESTS WITHIN THE CITY OF KIRKLAND, IN ORDER TO CARRY OUT THE LAKE WASHINGTON SHORELINE AND ASSOCIATED WETLANDS PARK ACQUISITION PROGRAM ADJACENT TO JUANITA BAY AS AUTHORIZED BY THE VOTERS OF THE CITY OF KIRKLAND, PURSUANT TO KIRKLAND ORDINANCE 2324 AND KIRKLAND ORDINANCE 2821.

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. The City Council finds that the taking and damaging of certain real property and real property interests hereinafter described, is for a public use and necessary to the inhabitants of the City of Kirkland in order to acquire real property and real property interests in waterfront and shoreline and associated wetlands of Lake Washington, at and adjacent to Juanita Bay as additions to Kirkland's Juanita Bay Park, all as authorized by the voters of the City of Kirkland, pursuant to Kirkland Ordinance 2324 and Kirkland Ordinance 2821. Said real property and real property interests to be acquired and maintained by the City of Kirkland as a part of the Kirkland Juanita Bay waterfront park.

Section 2. The real property and real property interests required to be appropriated, taken, or damaged are situate in Kirkland, King County, Washington and specifically described as follows:

Parcel A

Lot 9B Court Commissioner's Plat as shown on the map filed as Exhibit A in King County Superior Court Cause No. 175301 in government Lot 4, Section 31, Township 26 North, Range 5 East, W.M., in King County, Washington, excepting therefrom any portion within the County Road known as Lake Washington Boulevard, and except any portion deeded to King County for 98th Avenue N.E., under King County Recording No. 7306290581.

Parcel B

All privately owned rights in an easement described and reserved in paragraph 1 of that certain deed recorded under King County

Recording No. 7907230239, being an easement over and across the north 10 feet of Lot 14B, Court Commissioner's Plat of Lake Washington for the construction of a dock thereon solely for the use of the residences located upon Lots 13, 14, 15, 16, and 17 of said Court Commissioner's Plat; together with an extension of said easement commencing at the northeasterly corner of said lot 14B; thence south along the easterly boundary of said lot 10 feet to the southeasterly corner of that certain reserved easement described in document recorded under King County Recording No. 7907230239; thence southwesterly along the south line of said reserved easement 300 feet to the true point of beginning of this easement; thence southerly a distance of 10 feet along a line parallel to the east line of said Lot 14B; thence southwesterly 8 feet along the line parallel to and 18 feet southerly from the north line of said Lot 14B; thence northwesterly 10 feet along a line parallel to the east line of said Lot 14B to a point of intersection with the south line of the reserved easement described in King County Recording No. 7907230239; thence easterly along said south line 10 feet to the true point of beginning.

Also,

Those certain moorage rights upon Lots 16B and 17B of said Court Commissioner's Plat filed in King County Superior Court Cause No. 175301 as may have been created or granted in favor of Lot 16 and 17 and the south 20 feet of Lot 15 of said Court Commissioner's Plat, in conveyances placed of record prior to July 23, 1979.

Together with the rights of the owners of Lots 13, 14, 15, 16 and 17 of said Court Commissioner's Plat, to enforce a restrictive covenant contained in the document recorded under King County Recording No. 7907230239 and requiring the grantee therein to maintain the height of all trees and shrubs upon Lots 13B, 14B, 15B, 16B, and 17B of said Court Commissioner's Plat to no more than 15 feet above ground level.

Parcel C

Lot 10B, together with that portion of Lot 10A lying westerly of the west margin of relocated

98th Avenue N.E. in Court Commissioner's Plat as shown on the map filed as Exhibit A in King County Superior Court Cause No. 175301 within Government Lot 4, Section 31, Township 26 North, Range 5 East, W.M., in King County, Washington, excepting therefrom the county road known as Lake Washington Boulevard and except any portion conveyed to King County for 98th Avenue N.E. recorded under King County recording no. 7303070626.

Parcel D

Lots 11B and 12B, together with that portion of Lots 11A and 12A lying westerly of the west margin of relocated 98th Avenue N.E. within Court Commissioner's Plat as shown on the map filed as Exhibit A in King County Superior Court Cause No. 175301 within Government Lot 4, Section 31, Township 26 North, Range 5 East, W.M., in King County, Washington, except portion included in the county road known as Lake Washington Boulevard and except that portion condemned in King County Superior Court Cause No. 763204 for 98th Avenue N.E.

Compensation and damage awards for the acquisition of said real property and real property interests, shall be paid from the proceeds of bonds issued by the City of Kirkland as authorized by the voters of the City of Kirkland, pursuant to Kirkland Ordinance 2324 and Kirkland Ordinance 2821, from the City of Kirkland Park and Municipal Facilities Cumulative Reserve Fund, or from proceeds of bonds issued by King County.

Section 3. The Kirkland City Manager is authorized and directed to immediately begin and prosecute action and proceedings in the manner provided by law to purchase, condemn, take, damage, appropriate and otherwise acquire the lands and other property rights and privileges necessary to carry out the purposes of this Ordinance.

Section 4. This ordinance shall be in 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 21st day of June, 1988.

Signed in authentication thereof this 21st day of
June, 1988.

Loris Cooper
MAYOR

ATTEST:

Janece Jones
City Clerk

APPROVED AS TO FORM:

Acting Hail Bond
City Attorney