

ORDINANCE NO. 3339

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO VACATING A PORTION OF A RIGHT-OF-WAY BASED ON AN APPLICATION FILED BY SEAMARK ASSOCIATES, FILE NO. VC-90-115.

WHEREAS, by Resolution R-3718 adopted on March 3, 1992 and Resolution R-3753 adopted on August 4, 1992, 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. 3718 and 3753 have been satisfied.

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

Section 1. The portions of public right-of-way situated in Kirkland, King County, Washington and described as follows:

A parcel of land located in the northwest one quarter of Section 8, Township 25 North, Range 5 East of the Willamette Meridian, being more particularly described as follows:

Beginning at the southwest corner of Block 2, of Loggie and Evans Addition to Kirkland, as recorded in Volume 7, page 87, in the past records of King County, Washington; thence South 88 46' West along a westerly extension of the southerly line of said Block 2, a distance of 50.00 feet to the southeast corner of Block 1, said plat of Loggie and Evans Addition to Kirkland; thence North 1 14' West along the easterly line of said Block 1, a distance of 160.00 feet; thence North 1 39'30" West along the easterly line of unrecorded Block 98 of Burke and Farrar's Kirkland Business Center Addition, Division Number 25, as recorded in Volume 25, page 14, in the plat records of King county, Washington, a distance of 93.00 feet to the westerly extension of the southerly line of Block 99, said plat of Burke and Farrar's Kirkland Business Center Addition, Division Number 25; thence North 88 20'30" East along said southerly line of Block 99 and its westerly extension, a distance of 240.00 feet to the northerly extension of the easterly line of Block 100, said plat of Burke and Farrar's Kirkland Business Center Addition; thence South 1 39'30" East along a northerly extension of the easterly line of said Block 100, a distance of 50.00 feet; thence South 88 20'30" West along the northerly line of said Block 100, a distance of 190.00 feet; thence South 1 39'30" East along the westerly line of said Block 100, a distance of 43.00 feet; thence South 1 14' East along the westerly line of Block 2, of Loggie and Evans Addition to Kirkland, as recorded in Volume 7, page 87, in the plat records of King County, Washington, a distance of 160.00 feet to the point of beginning.

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.

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Section 2. The City shall also retain and reserve the following easements, as indicated on the attached draft easement agreements which the owner shall cause to be recorded within 45 days after passage of this ordinance, together with the right to grant easements along, over, and under the vacated streets, as follows:

- a. An easement for the purposes of granting to the general public the right to park within the vacated streets. The easement shall remain in place until such time as the owner(s) dedicate 15 public parking stalls in an alternate location in the form of either structured or surface parking located on property abutting the vacated rights-of-way, to be approved by the Director of Planning and Community Development at the time the vacated streets are developed.
- b. An easement for the purposes of public pedestrian access/public use area (as defined in Chapter 5 of the Kirkland Zoning Code). The easement shall remain in place until such time as the owner(s) dedicate an alternate easement which provides superior views to the west. The alternate easement shall provide unobstructed views to the west along its western limit and allow unrestricted public pedestrian access from the south end of 1st Street South to the east end of 1st Avenue South (the vacated portions) to be approved by the Director of Planning and Community Development at the time the vacated streets are developed. The alternate easement shall maintain a minimum width of ten (10) feet.

Section 3. 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 November, 1992.

SIGNED in authentication thereof this 17th day November, 1992.




Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney

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AFTER RECORDING RETURN TO:

DRAFT

Donald J. Stabbert
West Water Development, Inc.
135 Lake Street South, Suite #115
Kirkland, Washington 98033

EASEMENT FOR PARKING

CHRISTOPHER RAND HALL, as trustee of the Christopher Rand Hall Trust; ARTHUR E. HALL, as trustee of the Whitney Spencer Hall Trust; ARTHUR E. HALL, as trustee of the Kimberly Jean Hall Trust and INTEGON CORPORATION collectively the "Owner" of the real property legally described in Exhibit A attached hereto and by this reference incorporated herein, (the "Burdened Tract"), hereby grants, conveys and quit claims a perpetual, non-exclusive easement for 15 parking stalls (the "Easement") for the benefit of the City of Kirkland on behalf of the general public. The Easement shall cover the area legally described in Exhibit B attached hereto and by this reference incorporated herein (the "Easement Area").

In connection with the use of the Easement, the owner of the Burdened Tract may at its sole cost and expense improve the Easement Area as is necessary for the use of the Easement, including the addition of landscaping, plantings, lighting and related improvements. The owner of the Burdened Tract may also relocate the parking at any time in the future provided that the parking is replaced to a location on either surface stalls or structured parking stalls located on the abutting properties approved by the Director of Planning and Community Development prior to development of the vacated street.

This Easement shall be non-exclusive, and the owner of the Burdened Tract shall have the right to continue to use the Easement Area for uses not inconsistent with the uses of the Easement Area by the City of Kirkland.

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This Easement shall be a covenant running with the land and shall be binding upon the owners of the Burdened Tract and their successors and assigns.

DATED this _____ day of December, 1992.

CHRISTOPHER RAND HALL TRUST

By: Christopher Rand Hall, Trustee

Date: _____

WHITNEY SPENCER HALL TRUST

By: Arthur E. Hall, Trustee

Date: _____

KIMBERLY JEAN HALL TRUST

By: Arthur E. Hall, Trustee

Date: _____

INTEGON CORPORATION

By: Arthur E. Hall, President

Date: _____

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EXHIBIT A

BURDENED TRACT

PARCELA:

Lots 1 through 8, inclusive, Block 2, Loggie & Evans, Addition to Kirkland, according to the plat thereof recorded in Volume 7 of Plats, page 87, in King County, Washington; plus

PARCEL B:

Lots 29 and 30, Block 100, Burke & Farrar's Business Center Addition Division No. 25, according to the plat thereof recorded in Volume 25 of Plats, page 14, in King County, Washington; plus

PARCEL C:

The east 100.00 feet in width of the south 110.00 feet in width of Block 1, Loggie & Evans Addition to Kirkland, according to the plat thereof recorded in Volume 7 of Plats, page 87, in King County.

(ALSO KNOWN AS Parcel B, City of Kirkland Lot Line Adjustment Number LL-86-36, recorded under Recording Number 8605050568); plus

PARCEL D:

A parcel of land located in the northwest one quarter of Section 8, Township 25 North, Range 5 East of the Willamette Meridian, being more particularly described as follows:

Beginning at the southwest corner of Block 2, of Loggie and Evans Addition to Kirkland, as recorded in Volume 7, page 87, in the past records of King County, Washington; thence South 88° 46' West along a westerly extension of the southerly line of said Block 2, a distance of 50.00 feet to the southeast corner of Block 1, said plat of Loggie and Evans Addition to Kirkland; thence North 1° 14' West along the easterly line of said Block 1, a distance of 160.00 feet; thence North 1° 39' 30" West along the easterly line of unrecorded Block 98 of Burke and Farrar's Kirkland Business Center Addition, Division Number 25, as recorded in Volume 25, page 14, in the plat records of King County, Washington, a distance of 93.00 feet to the westerly extension of the southerly line of Block 99, said plat of Burke and Farrar's Kirkland Business Center Addition, Division Number 25; thence North 88° 20' 30" East along said southerly line of Block 99 and its westerly extension, a distance of 240.00 feet to the northerly extension of the easterly line of Block 100, said plat of Burke and Farrar's Kirkland Business Center Addition; thence South 1° 39' 30" East along a northerly extension of the easterly line of said Block 100, a distance of 50.00 feet; thence South 88° 20' 30" West along the northerly line of said Block 100, a distance of 190.00 feet; thence South 1° 39' 30" East along the westerly line of said Block 100, a distance of 43.00 feet; thence South 1° 14' East along the westerly line of Block 2, of Loggie and Evans Addition to Kirkland, as recorded in Volume 7, page 87, in the plat records of King County, Washington, a distance of 160.00 feet to the point of beginning.

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EXHIBIT B
EASEMENT AREA

PARCEL D:

A parcel of land located in the northwest one quarter of Section 8, Township 25 North, Range 5 East of the Willamette Meridian, being more particularly described as follows:

Beginning at the southwest corner of Block 2, of Loggie and Evans Addition to Kirkland, as recorded in Volume 7, page 87, in the past records of King County, Washington; thence South 88° 46' West along a westerly extension of the southerly line of said Block 2, a distance of 50.00 feet to the southeast corner of Block 1, said plat of Loggie and Evans Addition to Kirkland; thence North 1° 14' West along the easterly line of said Block 1, a distance of 160.00 feet; thence North 1° 39' 30" West along the easterly line of unrecorded Block 98 of Burke and Farrar's Kirkland Business Center Addition, Division Number 25, as recorded in Volume 25, page 14, in the plat records of King County, Washington, a distance of 93.00 feet to the westerly extension of the southerly line of Block 99, said plat of Burke and Farrar's Kirkland Business Center Addition, Division Number 25; thence North 88° 20' 30" East along said southerly line of Block 99 and its westerly extension, a distance of 240.00 feet to the northerly extension of the easterly line of Block 100, said plat of Burke and Farrar's Kirkland Business Center Addition; thence South 1° 39' 30" East along a northerly extension of the easterly line of said Block 100, a distance of 50.00 feet; thence South 88° 20' 30" West along the northerly line of said Block 100, a distance of 190.00 feet; thence South 1° 39' 30" East along the westerly line of said Block 100, a distance of 43.00 feet; thence South 1° 14' East along the westerly line of Block 2, of Loggie and Evans Addition to Kirkland, as recorded in Volume 7, page 87, in the plat records of King County, Washington, a distance of 160.00 feet to the point of beginning.

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STATE OF NEVADA
COUNTY OF DOUGLAS

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SS

THIS IS TO CERTIFY that on this _____ day of November, 1992, before me, the undersigned, a notary public in and for the state of Nevada, duly commissioned and sworn, personally appeared ARTHUR E. HALL to me known to be the Trustee, of Kimberly Jean Hall Trust that executed the foregoing instrument as Landlord, and acknowledged the same instrument to be the free and voluntary act and deed of said Property for the uses and purposes therein mentioned and on oath stated that he/she was authorized to execute the said instrument.

WITNESS MY HAND AND OFFICIAL SEAL HERETO AFFIXED this
_____ day of _____, 19__.

NOTARY PUBLIC in and for the State of

Nevada, residing at _____

My commission expires _____

1211207126

STATE OF NEVADA
COUNTY OF DOUGLAS

}
SS

THIS IS TO CERTIFY that on this _____ day of November, 1992, before me, the undersigned, a notary public in and for the state of Nevada, duly commissioned and sworn, personally appeared ARTHUR E. HALL to me known to be the President, of Integon Corporation that executed the foregoing instrument as Landlord, and acknowledged the same instrument to be the free and voluntary act and deed of said Property for the uses and purposes therein mentioned and on oath stated that he/she was authorized to execute the said instrument.

WITNESS MY HAND AND OFFICIAL SEAL HERETO AFFIXED this
_____ day of _____, 19__.

NOTARY PUBLIC in and for the State of

Nevada, residing at _____

My commission expires _____

STATE OF OREGON }
COUNTY OF MULTNOMAH }

SS

THIS IS TO CERTIFY that on this _____ day of November, 1992, before me, the undersigned, a notary public in and for the state of Oregon, duly commissioned and sworn, personally appeared CHRISTOPHER RAND HALL to me known to be the Trustee, of Christopher Rand Hall Trust that executed the foregoing instrument as Landlord, and acknowledged the same instrument to be the free and voluntary act and deed of said Property for the uses and purposes therein mentioned and on oath stated that he/she was authorized to execute the said instrument.

WITNESS MY HAND AND OFFICIAL SEAL HERETO AFFIXED this _____ day of _____, 19__.

NOTARY PUBLIC in and for the State of
Oregon, residing at _____
My commission expires _____

STATE OF NEVADA }
COUNTY OF DOUGLAS }

SS

THIS IS TO CERTIFY that on this _____ day of November, 1992, before me, the undersigned, a notary public in and for the state of Nevada, duly commissioned and sworn, personally appeared ARTHUR E. HALL to me known to be the Trustee, of Whitney Spencer Hall Trust that executed the foregoing instrument as Landlord, and acknowledged the same instrument to be the free and voluntary act and deed of said Property for the uses and purposes therein mentioned and on oath stated that he/she was authorized to execute the said instrument.

WITNESS MY HAND AND OFFICIAL SEAL HERETO AFFIXED this _____ day of _____, 19__.

NOTARY PUBLIC in and for the State of
Nevada, residing at _____
My commission expires _____

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AFTER RECORDING RETURN TO:

Attachment B to O-3339

Donald J. Stabbert
West Water Development, Inc.
135 Lake Street South, Suite #115
Kirkland, Washington 98033

D R A F T

**DEDICATION OF PUBLIC ACCESS EASEMENT
ON PRIVATELY OWNED PROPERTY**

CHRISTOPHER RAND HALL, as trustee of the Christopher Rand Hall Trust; ARTHUR E. HALL, as trustee of the Whitney Spencer Hall Trust; ARTHUR E. HALL, as trustee of the Kimberly Jean Hall Trust and INTEGON CORPORATION collectively the "Dedicator" and being all of the owners of the real property hereinafter described, do hereby make in perpetuity for the use of the general public, in a manner consistent herewith, the following easement dedication:

1. **AREA TO BE DEDICATED**

The area hereby dedicated is described in Exhibit A attached hereto and made a part hereof as though fully set forth herein.

This easement shall remain in place over the area described in Exhibit A until such time as the dedicator, his heirs, successors, or assigns dedicates an alternate easement which provides superior, unobstructed views to the west along its western limit and allows unrestricted public pedestrian access from the south end of 1st Street South (vacated) to the east end of 1st Avenue South (vacated). The ultimate location and configuration of any alternative location shall require approval of the Director of Planning and Community Development prior to any development over the area described in Exhibit A. The replacement easement shall maintain a minimum width of 10 feet.

2. **PURPOSE OF DEDICATION**

The real property herein described is dedicated to the general public in order to allow pedestrian access and entry onto the dedicated area by the general public and all members thereof for the peaceful enjoyment of the dedicated area. Dedicator reserves all rights and uses in and to the public access area which are not repugnant to the uses herein granted.

3. **LIMITATION ON DEDICATION**

The rights of the general public and all members thereof, granted herein, are subject to the following limitations:

- (a) Access to the dedicated area by land vehicle is specifically excluded from this dedication. Access by land vehicle shall be upon specific invitation of the dedicator only.

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Dedication of Public Access Easement
on Privately Owned Property
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- (b) The entire dedicated area shall be open to the public from 8:00 am through 11:00 pm daily provided that the dedicated area may be closed to public access by the dedicator at dedicator's sole discretion from dusk through 10:00 am daily if needed.
- (c) All or any portion of the dedicated area may be temporarily closed to the public from time to time for the purpose of repairs and maintenance.
- (d) Pursuant to RCW 4.24.210, neither the dedicator, nor the City of Kirkland, nor the State of Washington, nor the officers, agents, employees of said city and State shall be responsible or held liable for injury or damage occurring to members of the general public availing themselves of the dedicated area, unless the injury or damage results from an immediate, direct, and negligent act of the party sought to be held, and in no event shall the dedicator, the City of Kirkland, or the State of Washington be responsible for any act or omission of a third party, or be responsible for the failure to provide security, supervision, or guards for members of the general public or to provide protection for the general public for acts or omissions of other members of the general public.
- (e) The dedicator shall have the sole and separate responsibility of maintaining any portion of the dedicated area to which the general public shall have access and shall defend and save harmless the City of Kirkland and the State of Washington, including their officers, agents, the employees from any claims real or imaginary asserted by any person for injury or damages resulting from improper maintenance of said dedicated area. The standard of maintenance shall be equal to the standards of maintenance practiced by the City of Kirkland in regard to its parks.
- (f) Nothing in this dedication shall operate or be held to relieve the dedicator from the continuing requirements and conditions imposed by the permits issued to the dedicator under City of Kirkland File No. IIB-90-114.
- (g) Dedicator shall install and maintain, at such locations within or adjoining the dedicated property as may be designated by the City of Kirkland, "public access" signs meeting the standards for such signs established and adopted by the City of Kirkland. No other signs referring to public access or to the dedicated property shall be installed without prior written approval of the City of Kirkland.

4. AUTHORITY OF DEDICATOR

Dedicator warrants to the City of Kirkland that dedicator's ownership interest in the real property described herein includes the full power to enter into agreement and/or covenants which will run with the land and bind all owners of said property, their heirs, successors, and assigns.

5. DEFINITIONS

As used herein:

- (a) The word, "dedicator," shall include the heirs, successors, and assigns thereof;
- (b) The words, "land vehicle," shall include motor vehicles, bicycles, skateboards, and other vehicles designed to operate upon land whether self-propelled or not; provided that "land vehicle" shall not include a wheelchair or similar device whether or not self-propelled when used by a handicapped pedestrian.

6. RECORDING

This dedication document shall be recorded in the Department of Records and Elections for King County and shall further be included by inclusion or reference in any condominium documents that may hereafter be required to be recorded.

DATED this _____ day of December, 1992.

CHRISTOPHER RAND HALL TRUST

By: _____
Christopher Rand Hall, Trustee

Date: _____

WHITNEY SPENCER HALL TRUST

By: _____
Arthur E. Hall, Trustee

Date: _____

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Dedication of Public Access Easement
on Privately Owned Property
Page 4

KIMBERLY JEAN HALL TRUST

By: Arthur E. Hall, Trustee

Date: _____

INTEGON CORPORATION

By: Arthur E. Hall, President

Date: _____

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STATE OF OREGON }
COUNTY OF MULTNOMAH } ss

THIS IS TO CERTIFY that on this _____ day of November, 1992, before me, the undersigned, a notary public in and for the state of Oregon, duly commissioned and sworn, personally appeared **CHRISTOPHER RAND HALL** to me known to be the Trustee, of Christopher Rand Hall Trust that executed the foregoing instrument as Landlord, and acknowledged the same instrument to be the free and voluntary act and deed of said Property for the uses and purposes therein mentioned and on oath stated that he/she was authorized to execute the said instrument.

WITNESS MY HAND AND OFFICIAL SEAL HERETO AFFIXED this _____ day of _____, 19__.

NOTARY PUBLIC in and for the State of

Oregon, residing at _____

My commission expires _____

STATE OF NEVADA }
COUNTY OF DOUGLAS } ss

THIS IS TO CERTIFY that on this _____ day of November, 1992, before me, the undersigned, a notary public in and for the state of Nevada, duly commissioned and sworn, personally appeared **ARTHUR E. HALL** to me known to be the Trustee, of Whitney Spencer Hall Trust that executed the foregoing instrument as Landlord, and acknowledged the same instrument to be the free and voluntary act and deed of said Property for the uses and purposes therein mentioned and on oath stated that he/she was authorized to execute the said instrument.

WITNESS MY HAND AND OFFICIAL SEAL HERETO AFFIXED this _____ day of _____, 19__.

NOTARY PUBLIC in and for the State of

Nevada, residing at _____

My commission expires _____

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STATE OF NEVADA
COUNTY OF DOUGLAS

}
SS

THIS IS TO CERTIFY that on this _____ day of November, 1992, before me, the undersigned, a notary public in and for the state of Nevada, duly commissioned and sworn, personally appeared ARTHUR E. HALL to me known to be the Trustee, of Kimberly Jean Hall Trust that executed the foregoing instrument as Landlord, and acknowledged the same instrument to be the free and voluntary act and deed of said Property for the uses and purposes therein mentioned and on oath stated that he/she was authorized to execute the said instrument.

WITNESS MY HAND AND OFFICIAL SEAL HERETO AFFIXED this _____ day of _____, 19__.

NOTARY PUBLIC in and for the State of
Nevada, residing at _____
My commission expires _____

STATE OF NEVADA
COUNTY OF DOUGLAS

}
SS

THIS IS TO CERTIFY that on this _____ day of November, 1992, before me, the undersigned, a notary public in and for the state of Nevada, duly commissioned and sworn, personally appeared ARTHUR E. HALL to me known to be the President, of Integon Corporation that executed the foregoing instrument as Landlord, and acknowledged the same instrument to be the free and voluntary act and deed of said Property for the uses and purposes therein mentioned and on oath stated that he/she was authorized to execute the said instrument.

WITNESS MY HAND AND OFFICIAL SEAL HERETO AFFIXED this _____ day of _____, 19__.

NOTARY PUBLIC in and for the State of
Nevada, residing at _____
My commission expires _____

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EXHIBIT A
EASEMENT AREA

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