

AN ORDINANCE OF THE CITY OF KIRKLAND, WASHINGTON, AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF INTERESTS IN LAND FOR THE PURPOSE OF CONSTRUCTION OF 116TH AVENUE NE ROADWAY IMPROVEMENTS, PHASE II, WITHIN THE CITY OF KIRKLAND; PROVIDING FOR CONDEMNATION, APPROPRIATION, TAKING AND DAMAGING OF LAND AND PROPERTY RIGHTS NECESSARY THEREFOR, PROVIDING FOR THE COST THEREOF AND DIRECTING THE INITIATION OF APPROPRIATE PROCEEDINGS IN THE MANNER PROVIDED BY LAW FOR SAID CONDEMNATION.

WHEREAS, the Kirkland City Council has, by Resolution R-3758 approved the 116th Avenue NE Improvement Project in the six-year Transportation Improvement Program, and has, by Resolution R-3710 approved the 1992-1997 Capital Improvement Program; and

WHEREAS, the improvements are necessary to provide needed lane configuration, pedestrian facilities, and utility systems; and

WHEREAS, the City Council finds that the public health, safety, necessity, and convenience demand that said project be undertaken and that in order to carry out the project it is necessary at this time for the City to acquire interests and rights to the properties described herein;

NOW, THEREFORE, be it ordained by the City Council of the City of Kirkland as follows;

Section 1. The lands and property rights within the City of Kirkland, King County, Washington, described in Exhibit A attached to this Ordinance and which descriptions are hereby incorporated by reference, necessary for public road purposes, are hereby condemned, appropriated, taken and damaged for such public purposes, subject to the making or paying of just compensation to the owners thereof in the manner provided by law.

Section 2. The cost and expense of acquiring said property rights shall be paid for from State of Washington Urban Arterial Trust Account and/or City of Kirkland Excise Tax Reserve Fund.

Section 3. The City Manager is authorized and directed to immediately begin and prosecute action and proceedings in the manner provided by the 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 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 20th day of April, 1993.

Signed in authentication thereof this 20th day of April, 1993.



MAYOR

Attest:

J. Cloney
Deputy City Clerk

Approved as to Form:

Hail Bond
City Attorney

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EXHIBIT A

PARCEL 5 -- CONSTRUCTION PERMIT

A strip of land of Parcel 5 as described in Stewart Title Company, Title Order No. 92584, said Parcel 5 being a portion of the southwest quarter of the northwest quarter of Section 28, Township 26 North, Range 5 East, W.M., in King County, Washington, said strip being described as follows: The south 25.00 feet of a strip 20.00 feet wide measured at right-angles and lying adjacent to and northeasterly of the following described line:

Commencing at the southwest corner of said section subdivision;
 thence along the west line of said section subdivision N.1°57'51"E. 644.68 feet;
 thence S.83°58'09"E. 42.11 feet more or less to a point easterly and distant 42.00 feet measured at right angles to said west subdivision line and the BEGINNING of said line;
 thence along said line N.2°22'15"W. 158.76 feet more or less to a point on the easterly right-of-way margin of 116th Avenue Northeast which point bears N.1°57'51"E. 800.00 feet, and thence S.88°02'09"E. 30.00 feet from the southwest corner of said section subdivision, and the END of said line.

TOGETHER WITH that portion of Parcel 5 as described in Stewart Title Company, Title Order No. 92584 also being a portion of the southwest quarter of the northwest quarter of Section 28, Township 26 North, Range 5 East, W.M., in King County, Washington described as follows:

Commencing at the southwest corner of said section subdivision;
 thence along the westerly line of said section subdivision N.1°57'51"E. 935.00 feet;
 thence S.88°02'09"E. 30.00 feet to the easterly right-of-way margin of 116th Avenue Northeast and the POINT OF BEGINNING;
 thence continuing S.88°02'09"E. 10.00 feet;
 thence N.12°16'08"E. 167.71 feet more or less to a point which bears N.1°57'51"E. 1100.00 feet, and thence S.88°02'09"E. 70.00 feet from the Southwest corner of the Northwest quarter of said section 28;
 thence N.3°20'39"W. 151.33 feet more or less to a point which bears N.1°57'51"E. 1249.36 feet, and thence S.88°02'09"E. 56.00 feet from the southwest corner of the northwest quarter of said section 28; thence parallel with said west section subdivision line N. 1°57'51"E. 100.01 feet more or less to the intersection with a line drawn parallel with 200 feet southwesterly when measured at right angles from L-Line, according to L-Line survey of SR405 (PSH No.

1), Northup Interchange to Northeast 140th Street;
thence along said parallel line N.20°25'57"W. 52.49 feet
more or less to the intersection with a line parallel with
and 36.00 feet easterly as measured at right angles from the
west line of said section subdivision;
thence along said parallel line S.1°57'51"W. 234.23 feet
more or less to a point which bears N.1°57'51"E. 1165.00
feet, and thence S.88°02'09"E. 36.00 feet from said
southwest corner of the said section subdivision;
thence S.4°57'03"W. 115.16 feet more or less to a point on
the easterly right-of-way margin of 116th Avenue Northeast
which bears N.1°57'51"E. 1050.00 feet, and thence
S.88°02'09"E. 30.00 feet from said southwest corner of said
section subdivision;
thence along said easterly right-of-way margin S.1°57'51"W.
115.00 feet to the POINT OF BEGINNING.

EXCEPT that portion thereof described as follows:
Commencing at the southwest corner of said section
subdivision;

thence along the west line of said section subdivision
N.1°57'51"E. 1280.00 feet;
thence at right angle to said west section subdivision line
S.88°02'09"E. 36.00 feet to the POINT OF BEGINNING;
thence continuing S.88°02'09"E. 10.00 feet;
thence parallel with said west section subdivision line
N.1°57'51"E. 80.00 feet;
thence at right angle to said west section subdivision line
N.88°02'09"W. 10.00 feet;
thence parallel with said west section subdivision line
S.1°57'51"W. 80.00 feet to the POINT OF BEGINNING;

A copy of the Parcel 5 legal description from Stewart Title
Company, Title Order No. 92584 is attached.

PARCEL 5 --- RIGHT-OF-WAY TAKE

That portion of Parcel 5 as described in Stewart Title Company, Title Order No. 92584 also being a portion of the southwest quarter of the northwest quarter of Section 28, Township 26 North, Range 5 East, W.M., in King County, Washington described as follows:

Commencing at the southwest corner of said section subdivision;
thence along the west line of said section subdivision N.1°57'51"E. 644.68 feet;
thence S.83°58'09"E. 30.08 feet more of less to the easterly right-of-way margin of 116th Avenue Northeast and the POINT OF BEGINNING;
thence continuing S.83°58'09"E. 12.03 feet more or less to a point easterly and distant 42.00 feet measured at right angles to said west section subdivision line;
thence N.2°22'15"W. 158.76 feet more or less to a point on the easterly right-of-way margin of 116th Avenue Northeast which point bears N.1°57'51"E. 800.00 feet;
and thence S.88°02'09"E. 30.00 feet from said southwest corner of said southwest quarter of the northwest quarter Section 28;
thence S.1°57'51"W. 157.45 feet more or less to the POINT OF BEGINNING.

TOGETHER WITH that portion of Parcel 5 as described in Stewart Title Company, Title Order No. 92584 also being a portion of the southwest quarter of the northwest quarter of Section 28, Township 26 North, Range 5 East, W.M., in King County, Washington described as follows:

Commencing at the southwest corner of said section subdivision;
thence along the west line of said section subdivision N.1°57'51"E. 1050.00 feet, and thence S.88°02'09"E. 30.00 feet to a point on the east right-of-way margin of 116th Avenue Northeast and the POINT OF BEGINNING;
thence N.4°57'03"E. 115.16 feet more or less to a point which bears N.1°57'51"E. 1165.00 feet, and thence S.88°02'09"E. 36.00 feet from said southwest corner;
thence parallel with said west line of said section subdivision N.1°57'51"E. 234.23 feet more or less to the intersection with a line drawn parallel with and 200 feet southwesterly when measured at right angles from the L-Line Survey of SR405 (PSH No. 1), Northrup Interchange to Northeast 140th Street;
thence along said parallel line N.20°25'57"W. 15.75 feet more or less to the intersection with the east right-of-way margin of 116th Avenue Northeast;
thence along said east margin S.1°57'51"W. 363.79 feet more of less to the POINT OF BEGINNING.

A copy of the Parcel 5 legal description from Stewart Title Company, Title Order No. 92584 is attached.

SLOPE and SIGNAL EASEMENT
PARCEL 5

That portion of Parcel 5 as described in Stewart Title Company, Title Order No. 92584 also being a portion of the southwest quarter of the northwest quarter of Section 28, Township 26 North, Range 5 East, W.M., in King County, Washington described as follows:

Commencing at the southwest corner of said section subdivision;
thence along the west line of said section subdivision N.1°57'51"E. 1280.00 feet;
thence at right angle to said west section subdivision line S.88°02'09"E. 36.00 feet to the POINT OF BEGINNING;
thence continuing S.88°02'09"E. 10.00 feet;
thence parallel with said west section subdivision line N.1°57'51"E. 80.00 feet;
thence at right angle to said west section subdivision line N.88°02'09"W. 10.00 feet;
thence parallel with said west section subdivision line S.1°57'51"W. 80.00 feet to the POINT OF BEGINNING;

A copy of the Parcel 5 legal description from Stewart Title Company, Title Order No. 92584 is attached.

A.L.T.A COMMITMENT
SCHEDULE A
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The land referred to in this commitment is situated in the county of King, state of Washington, and described as follows:

PARCEL A:

That portion of the southwest quarter of the northwest quarter of Section 28, Township 26 North, Range 5 East, W.M., in King County, Washington, lying west of Secondary State Highway No. 2-A, as conveyed to the State of Washington by deed recorded under Recording Number 4569595 and north of a line beginning at a point on the west line of said subdivision which is north 0°42'30" east 644.68 feet from the southwest corner thereof;
thence south 85°13'30" east 157.40 feet;
thence south 54°19'00" east 475.93 feet, more or less to the west line of said State Highway;

EXCEPT the west 30.00 feet thereof conveyed to King County, Washington for road by deed recorded under Recording Number 2660265;
EXCEPT that portion taken by the State of Washington under King County Superior Court Cause Number 700940;
AND EXCEPT that portion of the south 100 feet of the north 115 feet, as measured along the west line thereof, of the southwest quarter of the northwest quarter of said section, lying easterly of 116th Avenue Northeast and lying southwesterly a line drawn parallel with and 200 feet southwesterly, when measured at right angles, from the L Line Survey of SR 405 (PSH No. 1), Northrup Interchange to Northeast 140th Street.

PARCEL B:

That portion of the northwest quarter of the northwest quarter of Section 28, Township 26 North, Range 5 East, W.M., in King County, Washington, and of the south 100 feet of the north 115 feet, as measured along the west line thereof, of the southwest quarter of the northwest quarter of said section lying easterly of 116th Avenue Northeast and lying southwesterly of a line drawn parallel with and 200 feet southwesterly, when measured at right angles, from the L Line Survey of SR 405 (PSH No. 1), Northrup Interchange to Northeast 140th Street.

END OF SCHEDULE A