

RESOLUTION R-5606

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ACQUISITION OF THE HOUGHTON PARK AND RIDE PROPERTY FROM THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION.

1 WHEREAS, the Washington State Department of Transportation
2 ("WSDOT") has declared its Houghton Park and Ride property, an
3 approximately 5.51-acre property located just east of SR 405 at the
4 intersection of NE 70th Place and 116th Avenue NE in Kirkland
5 ("property"), as surplus to its needs; and
6

7 WHEREAS, in accordance with chapter 47.12 RCW, and an
8 expression of interest in the property from the City of Kirkland ("City"),
9 WSDOT has determined to sell the property to the City at its fair market
10 value while reserving an easement over a portion of the property that
11 may be needed in support of future SR 405 roadway improvements at
12 the NE 70th interchange that would include 116th Avenue NE; and
13

14 WHEREAS, the City and WSDOT entered into a Letter of Intent
15 dated July 5, 2023 ("LOI") setting forth their intent to surplus the property
16 to the City subject to the reservation of an easement to WSDOT; and
17

18 WHEREAS, the City wishes to acquire the property as site for a
19 new aquatics and recreation facility if Kirkland Proposition 1 is approved
20 by the Kirkland voters at the November 7, 2023 general election or for
21 other parks and public purposes;
22

23 WHEREAS, the fair market value of the property without the
24 easement has been determined by WSDOT and agreed to be \$9 million;
25 and
26

27 WHEREAS, the City wishes acquire the property from WSDOT
28 for \$9 million and has agreed the easement over a portion of the
29 property in favor of WSDOT is in the public interest and that any
30 improvements made by WSDOT there would not limit the City's ability
31 to utilize the property for an aquatics and recreation facility or for other
32 anticipated parks and public purposes; and
33

34 WHEREAS, WSDOT has prepared a Quitclaim Deed, attached
35 hereto as Exhibit A, providing for the sale of the property to the City; and
36

37 WHEREAS, final negotiations between the City and WSDOT
38 relative to the Quitclaim Deed have not concluded but are expected to
39 be successful; and
40

41 WHEREAS, remaining issues include confirming legal
42 descriptions; determining the precise location and size of the easement;
43 providing for the termination and return of the easement interests to the
44 City at no additional cost if WSDOT determines in the future not to

45 proceed with the improvements; and the conditions under which the City
46 might agree to limit future claims against WSDOT related to highway
47 drainage and runoff associated with the City's acquisition of the
48 property; and

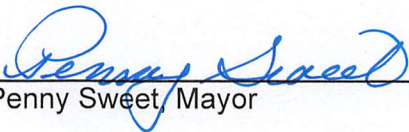
49
50 WHEREAS, the City Council wishes to authorize the City
51 Manager to execute such Quitclaim Deed, as same may be amended in
52 a final form, provided such remaining issues are satisfactorily resolved
53 and consistent with the agreed upon fair market value and anticipated
54 uses of the property by the City following its acquisition.

55
56 NOW, THEREFORE, be it resolved by the City Council of the
57 City of Kirkland as follows:

58
59 Section 1. The City Manager is hereby authorized and directed,
60 following successful completion of negotiations with the Washington
61 Department of Transportation (WSDOT) to execute a Quitclaim Deed
62 with WSDOT in substantially the form attached hereto as Exhibit A,
63 including such amendments thereto as may be necessary to
64 satisfactorily resolve outstanding issues on a basis consistent with the
65 agreed-upon fair market value and the City's intended use of the
66 property for an aquatics and recreation facility or other parks and public
67 purposes.


68
69 Passed by majority vote of the Kirkland City Council in open
70 meeting this 17th day of October, 2023.

71
72 Signed in authentication thereof this 17th day of October, 2023.



Penny Sweet, Mayor

Attest:



Kathi Anderson, City Clerk

Exhibit A: Quitclaim Deed

AFTER RECORDING RETURN TO:

ATTN: REAL ESTATE SERVICES
DEPARTMENT OF TRANSPORTATION
P.O. BOX 47338
OLYMPIA, WA 98504-7338

Document Title: Quitclaim Deed
Reference Number of Related Document: N/A
Grantor: State of Washington
Grantee: City of Kirkland
Legal Description:
Additional Legal Description is on Pages 1 through 5 of document
Assessor's Tax Parcel Number: 1759700330, 1759700270, 1759700275, 0925059052,
09525059141 and 0925059138

QUITCLAIM DEED

SR 405, N.E. 40TH ST. VIC. TO N.E. 124TH ST. INTERCHANGE VIC.

The STATE OF WASHINGTON acting by and through its DEPARTMENT OF TRANSPORTATION, Grantor, for and in consideration of NINE MILLION AND NO/100 DOLLARS (\$9,000,000.00), hereby conveys and quitclaims unto CITY OF KIRKLAND, a municipal corporation under the State of Washington, Grantee, all right, title, and interest in and to the following described real property situated in King County, State of Washington:

All those portions of the hereinafter described Tracts 1, 2, 3, 4, and 5, lying within the following described Tract "X", situate in the northwest quarter of the southwest quarter and the southwest quarter of the northwest quarter of Section 9, Township 25 North, Range 5 East, Willamette Meridian, in King County, Washington, described as follows:

TRACT X

BEGINNING at a point opposite Highway Engineer's Station (hereinafter referred to as HES) 22+70 on the 70TH Line survey of SR 405, N.E. 40TH ST. VIC. TO N.E. 124TH ST. INTERCHANGE VIC., and 30 feet southwesterly therefrom, said

point being on the southerly right of way of N.E. 70TH Place (formerly State Aid Road No. 4);

Thence Northwesterly parallel with said line survey to a point opposite HES 22+61.90 thereon;

Thence along a curve to the left having a radius of 55 feet, an arc distance of 118.66 feet, more or less, to a point opposite HES 526+87.39 on the SR 405 Line survey of said highway, and 379.14 feet easterly therefrom;

Thence Southerly to a point opposite HES 524+10.50 on said line survey and 380.68 feet easterly therefrom, said point being on the south line of the southwest quarter of the northwest quarter of Section 9, Township 25 North, Range 5 East, W.M.,

Thence Southerly to a point opposite HES 519+99.47 on said line survey and 381.52 feet easterly therefrom;

Thence South 89°08'32" East a distance of 7.05 feet to the west line of the hereinafter described Tract 1;

Thence South 00°50'23" West, along said west line and the southerly extension thereof, a distance of 105.51 feet to the south line of the northerly 30 feet of N.E. 68TH Street (formerly Oregon Street);

Thence South 86°34'04" East along said south line, a distance of 270 feet to an intersection with the southerly extension of the east line of said Tract 1;

Thence North 00°48'55" East along said southerly extension and the east line of said Tract 1 and the northerly extension thereof, a distance of 294 feet to the southeast corner of the hereinafter described Tract 2;

Thence South 86°34'04" East along the easterly extension of the said south line of Tract 2, a distance of 30 feet, to the east line of the westerly 30 feet of 117TH Avenue N.E.;

Thence North 00°48'55" East along said east line and the northerly extension thereof, a distance of 230.69 feet to the centerline of N.E. 70TH Street (formerly Lake Street), said centerline being the south line of the southwest quarter of the northwest quarter of said Section 9;

Thence South 87°59'12" East along said centerline, a distance of 254.40 feet to the southerly right of way of N.E. 70TH Place (formerly State Aid Road No. 4);

Thence Northwesterly along said southerly right of way of N.E. 70TH Place a distance of 573.47 feet to the point of BEGINNING.

TRACT 1

Lots 1 through 12, inclusive, Block 5, Cormode and Adsit's First Addition to Kirkland, according to plat recorded in Volume 6 of Plats, page 44, records of King County, Washington, as acquired by Judgement and Decree of Appropriation as to item No. 1 on December 23, 1968, in the Superior Court of the State of Washington in and for King County under court cause No. 698317, and Warranty Deed recorded March 22, 1984, under recording number 8403220320, records of said county.

TRACT 2

Lots 1 through 12, inclusive, Block 4, Cormode and Adsit's First Addition to Kirkland, according to plat recorded in Volume 6 of Plats, page 44, records of King County, Washington, as acquired by Judgement and Decree of Appropriation as to item No. 3, on March 31, 1969, in the Superior Court of the State of Washington in and for King County under court cause No. 701075, and Stipulated Judgement and Decree of Appropriation on November 16, 1984, in said court under court cause No. 84-2-09687-0.

TRACT 3

Those portions of the south 440 feet of the west 990 feet of the southwest quarter of the northwest quarter of Section 9, Township 25 North, Range 5 East, W.M., as acquired by Special Warranty Deed recorded December 12, 1968, in Volume 5179 of Deeds, page 291, under recording number 6446347, records of King County, Washington, and Judgement and Decree of Appropriation as to item No. 3, on January 6, 1969, in the Superior Court of the State of Washington in and for King County under court cause No. 698318, and Warranty Deed recorded March 30, 1984, under recording number 8403300171, records of said county, and Stipulated Judgement and Decree of Appropriation on July 17, 1985, in said court under court cause No. 84-2-11476-2.

TRACT 4

Those portions of rights of way situated in Kirkland, King County, Washington, vacated by Ordinance No. 2899, passed by majority vote of the Kirkland City Council on September 3, 1985.

TRACT 5

Those portions of rights of way acquired by Quit Claim Deed, recorded September 11, 1969, in Volume 157, page 1, under recording number 6563355, records of King County, Washington.

EXCEPT those portions lying northerly of the following described line:

BEGINNING at a point opposite Highway Engineer's Station (hereinafter referred to as HES)

23+14.32 on the 70TH Line survey of SR 405, N.E. 40TH ST. VIC. TO N.E. 124TH ST. INTERCHANGE VIC., and 30 feet southwesterly therefrom, said point being on the southerly right of way of N.E. 70TH Place (formerly State Aid Road No. 4);

Thence southeasterly to a point opposite HES 23+14.32 on said line survey and 115.83 feet southwesterly therefrom;

Thence northwesterly to a point opposite HES 526+87.39 on the SR 405 Line survey and 379.14 feet easterly therefrom, and the TERMINUS of this line description.

ICN 1-17-17380

RESERVING unto the Grantor an Easement over, under, upon, and across a portion of the hereinabove described Tract "X" for the purposes of construction, reconstruction, operation, and maintenance of a highway, fences, and drainage structures, together with rights of ingress and egress, described as follows:

BEGINNING at a point opposite Highway Engineer's Station (hereinafter referred to as HES) 526+87.39 on the SR 405 Line survey of SR 405, N.E. 40TH ST. VIC. TO N.E. 124TH ST. INTERCHANGE VIC, and 379.14 feet easterly therefrom;

Thence southerly to a point opposite HES 524+10.50 on said line survey and 380.68 feet easterly therefrom, said point also being on the south line of the southwest quarter of the northwest quarter of Section 9, Township 25 North, Range 5 East, W.M.,

Thence southerly to a point opposite HES 522+65.75 on said line survey and 380.97 feet easterly therefrom;

Thence easterly to a point opposite HES 522+65.77 on said line survey and 390.91 feet easterly therefrom;

Thence northeasterly to a point opposite HES 522+81.52 on said line survey and 413.94 feet easterly therefrom;

Thence northerly to a point opposite HES 523+87.41 on said line survey and 413.72 feet easterly therefrom;

Thence northeasterly to a point opposite HES 524+51.98 on said line survey and 447.82 feet easterly therefrom;

Thence northeasterly to a point opposite HES 70TH 24+08.39 on the 70TH line survey of said highway and 116.84 feet southwesterly therefrom;

Thence northeasterly to a point opposite HES 70TH 24+42.43 on said 70TH line survey and 81.28 feet southwesterly therefrom;

Thence southeasterly to a point opposite HES 70TH 25+90.27 on said 70TH line survey and 73.79 feet southerly therefrom;

Thence southerly to a point opposite HES 70TH 26+10.62 on said 70TH line survey and 98.90 feet southwesterly therefrom;

Thence southwesterly to a point opposite HES 70TH 25+87.56 on said 70TH line survey and 185.76 feet southwesterly therefrom;

Thence southwesterly to a point opposite HES 70TH 25+92.20 on said 70TH line survey and 209.45 feet southwesterly therefrom;

Thence southeasterly to a point opposite HES 70TH 26+29.49 on said 70TH line survey and 202.14 feet southwesterly therefrom;

Thence northeasterly to a point opposite HES 70TH 26+32± on said 70TH line survey and 171.75 feet southwesterly therefrom, said point also being on the south line of the southwest quarter of the northwest quarter of said Section 9;

Thence easterly to a point opposite HES 70TH 28+43.47 on said 70TH line survey and 30 feet southwesterly therefrom;
Thence northwesterly, parallel with said 70TH line survey to a point opposite HES 70TH 23+14.32 thereon;
Thence southwesterly to a point opposite HES 70TH 23+14.32 on said 70TH line survey and 115.83 feet southwesterly therefrom;
Thence Northwesterly to the point of BEGINNING.

EXCEPT, Grantor reserves to itself and its successors and/or assigns, all easement rights of access, light, view and/or air in the property herein conveyed to the extent that the property abuts the state highway right of way; therefore, the Grantee herein, including successors or assigns, shall have no right of ingress or egress to, from or between SR 405 and the lands herein described, nor shall Grantee herein, its successors or assigns, be entitled to compensation for any loss of access, light, view and/or air occasioned by the location, construction, reconstruction, maintenance or operation of said highway.

The specific details concerning all of which may be found on sheets 11 and 13 of that certain plan entitled SR 405, N.E. 40TH ST. VIC. TO N.E. 124TH ST. INTERCHANGE VIC., now of record and on file in the office of the Secretary of Transportation at Olympia, Washington, bearing date of approval July 30, 2004, revised September 15, 2023.

Subject to all existing encumbrances, including easements, restrictions and reservations, if any.

The Grantee herein, on behalf of itself and its successors or assigns, as part consideration paid herein, waives and/or releases Grantor from any past, present, or future claims for damages directly or indirectly caused by highway drainage or runoff, and further, Grantee, its successors or assigns, shall have no right of compensation for damages to the property herein conveyed caused directly or indirectly by highway drainage or runoff.

The Grantee, on behalf of themselves and its successors or assigns, as part consideration herein, do hereby agree to comply with all civil rights and anti-discrimination requirements of chapter 49.60 RCW as to the lands herein conveyed.

The lands herein described are not required for state highway purposes and are conveyed pursuant to the provisions of RCW 47.12.063.

Dated at Olympia, Washington, this _____ day of _____, 20____.

STATE OF WASHINGTON,
DEPARTMENT OF TRANSPORTATION -
GRANTOR

Roger Millar, PE, FASCE, FAICP
Secretary of Transportation

APPROVED AS TO FORM:

By: _____
Assistant Attorney General

REVIEWED AS TO FORM-CITY OF KIRKLAND-GRANTEE:

By: _____
Kurt Triplett, City Manager

STATE OF WASHINGTON)

) : ss

COUNTY OF THURSTON)

On this _____ day of _____, 20____, before me personally appeared Roger Millar, known to me as the Secretary of Transportation, State of Washington, Department of Transportation, and executed the foregoing instrument, acknowledging said instrument to be the free and voluntary act and deed of the State of Washington, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

Given under my hand and official seal the day and year last above written.

Notary (print name) _____

Notary Public in and for the State of Washington,
residing at _____

My Appointment Expires _____