

ORDINANCE 3904

AN ORDINANCE OF THE CITY OF KIRKLAND, WASHINGTON, AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF INTERESTS IN LAND FOR THE PURPOSE OF CONSTRUCTION OF NE 128TH STREET ROADWAY IMPROVEMENTS, 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-4372 approved the NE 128TH STREET ROADWAY IMPROVEMENTS in the six-year Transportation Improvement Program, and has, by Resolution R-4361 approved the 2002-2007 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, the City Council of the City of Kirkland do ordain 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 gas tax, sales tax, real estate excise tax, and impact fees.

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 pursuant to Section 1.08.017, Kirkland Municipal Code, in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting  
this 16th day of September, 2003.


Signed in authentication thereof this 16th day of  
September, 2003.

  
\_\_\_\_\_  
MAYOR

Attest:

  
\_\_\_\_\_  
City Clerk

Approved as to Form:

  
\_\_\_\_\_  
City Attorney

**EXHIBIT "A"****PARCEL # 692840-0010 (ELIZABETH A. LYNN TRUST)  
RIGHT OF WAY AQUISITION  
CITY OF KIRKLAND N.E. 128<sup>TH</sup> STREET WIDENING PROJECT**

THAT PORTION OF LOT 'B' (PHASE 1), KING COUNTY SHORT PLAT NO. 78-7-24 AS FILED UNDER RECORDING NUMBER 7808161050, RECORDS OF KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT, SAID POINT ALSO BEING ON THE NORTH RIGHT OF WAY MARGIN OF N.E. 128<sup>TH</sup> STREET; THENCE ALONG THE WEST LINE OF SAID LOT, NORTH 01°50'42" EAST A DISTANCE OF 15.51 FEET; THENCE NORTH 89°56'27" EAST PARALLEL WITH SAID NORTH MARGIN A DISTANCE OF 61.36 FEET; THENCE NORTH 87°39'01" EAST A DISTANCE OF 52.55 FEET TO THE EAST LINE OF SAID LOT; THENCE ALONG THE EAST LINE OF SAID LOT, SOUTH 01°50'42" WEST A DISTANCE OF 17.61 FEET TO SAID NORTH MARGIN; THENCE ALONG SAID NORTH MARGIN, SOUTH 89°56'27" WEST A DISTANCE OF 113.80 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,819 SQUARE FEET OR 0.04 ACRES, MORE OR LESS.

**EXHIBIT "A"****PARCEL # 692840-0011 (MOUNTAIN VIEW INVESTORS)  
RIGHT OF WAY AQUISITION  
CITY OF KIRKLAND N.E. 128<sup>TH</sup> STREET WIDENING PROJECT**

THAT PORTION OF LOT 'A' (PHASE 1), KING COUNTY SHORT PLAT NO. 78-7-24 AS FILED UNDER RECORDING NUMBER 7808161050, RECORDS OF KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT, SAID POINT ALSO BEING ON THE NORTH RIGHT OF WAY MARGIN OF N.E. 128<sup>TH</sup> STREET; THENCE ALONG THE WEST LINE OF SAID LOT, NORTH 01°50'42" EAST A DISTANCE OF 17.61 FEET; THENCE NORTH 87°39'01" EAST A DISTANCE OF 47.49 FEET TO A POINT LYING 19.50 FEET NORTH OF AND PERPEDICULAR TO SAID NORTH MARGIN; THENCE PARALLEL WITH SAID NORTH MARGIN, NORTH 89°56'27" EAST A DISTANCE OF 77.53 FEET TO THE EAST LINE OF SAID LOT; THENCE ALONG THE EAST LINE OF SAID LOT, SOUTH 01°50'42" WEST A DISTANCE OF 19.51 FEET TO SAID NORTH MARGIN; THENCE ALONG SAID NORTH MARGIN, SOUTH 89°56'27" WEST A DISTANCE OF 125.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,392 SQUARE FEET OR 0.05 ACRES, MORE OR LESS.

**EXHIBIT "A"****PARCELS # 692840-0012 and # 692840-0013  
(EVERGREEN MEDICAL AND DENTAL CENTER)  
RIGHT OF WAY AQUISITION  
CITY OF KIRKLAND N.E. 128<sup>TH</sup> STREET WIDENING PROJECT**

THAT PORTION OF TRACT 'A', PLAT OF PUGET SOUND CENTER AS FILED IN VOLUME 92 OF PLATS, PAGES 95 AND 96 AND AS AMENDED BY CORRECTION MAP AS FILED UNDER AUDITORS FILE NUMBER 7105100304, RECORDS OF KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT, SAID POINT ALSO BEING ON THE NORTH RIGHT OF WAY MARGIN OF N.E. 128<sup>TH</sup> STREET; THENCE ALONG SAID NORTH MARGIN, NORTH 89°56'27" EAST A DISTANCE OF 338.80 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH MARGIN NORTH 89°56'27" EAST A DISTANCE OF 276.02 TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 25.00 FEET; THENCE EASTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE AND SAID NORTH MARGIN AND THE WEST MARGIN OF 120<sup>TH</sup> AVENUE N.E. THROUGH A CENTRAL ANGLE OF 88°05'45" AN ARC DISTANCE OF 38.44 FEET TO A POINT OF TANGENCY; THENCE ALONG SAID WEST MARGIN, NORTH 01°50'42" EAST A DISTANCE OF 10.34 FEET TO A POINT 34.50 FEET NORTH OF AND PERPENDICULAR TO SAID NORTH MARGIN; THENCE PARALLEL WITH SAID NORTH MARGIN SOUTH 89°56'27" WEST A DISTANCE OF 22.85 FEET; THENCE SOUTH 00°03'33" EAST 15.00 FEET TO A POINT 19.50 FEET NORTH OF AND PERPEDICULAR TO SAID NORTH MARGIN; THENCE PARALLEL WITH SAID NORTH MARGIN SOUTH 89°56'27" WEST A DISTANCE OF 277.85 FEET TO THE EAST LINE OF LOT 'A' (PHASE 1), KING COUNTY SHORT PLAT NO. 78-7-24 AS FILED UNDER RECORDING NUMBER 7808161050, RECORDS OF SAID COUNTY; THENCE ALONG SAID EAST LINE, SOUTH 01°50'42" WEST A DISTANCE OF 19.51 FEET TO THE POINT OF BEGINNING.

CONTAINING 6,069 SQUARE FEET OR 0.14 ACRES, MORE OR LESS.

**EXHIBIT "A"****PARCEL # 692840-0022 (CRL PROPERTIES L.L.C.)  
RIGHT OF WAY AQUISITION  
CITY OF KIRKLAND N.E. 128<sup>TH</sup> STREET WIDENING PROJECT**

THAT PORTION OF TRACT 'B', PLAT OF PUGET SOUND CENTER AS FILED IN VOLUME 92 OF PLATS, PAGES 95 AND 96 AND AS AMENDED BY CORRECTION MAP AS FILED UNDER AUDITORS FILE NUMBER 7105100304, RECORDS OF KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT, SAID POINT ALSO BEING ON THE SOUTH RIGHT OF WAY MARGIN OF N.E. 128<sup>TH</sup> STREET; THENCE ALONG SAID SOUTH MARGIN NORTH 89° 56' 27" EAST A DISTANCE OF 142.67 FEET TO THE EAST LINE OF LOT 'A', KING COUNTY SHORT PLAT NO. 77-S-12 AS FILED UNDER RECORDING NUMBER 7706140669, RECORDS OF SAID COUNTY, AND THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH MARGIN, NORTH 89° 56' 27" EAST A DISTANCE OF 106.18 FEET TO POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 25.00 FEET; THENCE EASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE AND SAID SOUTH MARGIN AND THE WEST MARGIN OF 120<sup>TH</sup> AVENUE N.E. THROUGH A CENTRAL ANGLE OF 91°54'46" AN ARC DISTANCE OF 40.10 FEET TO A POINT OF TANGENCY; THENCE ALONG SAID WEST MARGIN, SOUTH 01°51'13" WEST A DISTANCE OF 16.10 FEET; THENCE NORTH 88°09'23" WEST A DISTANCE OF 5.00 FEET TO A POINT 5.00 FEET WEST OF AND PERPENDICULAR TO SAID WEST MARGIN; THENCE PARALLEL WITH SAID WEST MARGIN, NORTH 01°51'13" EAST A DISTANCE OF 10.60 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 20.00 FEET; THENCE NORTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 91°54'46" AN ARC DISTANCE OF 32.08 FEET TO A POINT OF TANGENCY AND A POINT 10.50 FEET SOUTH OF AND PERPENDICULAR TO SAID SOUTH MARGIN; THENCE PARALLEL WITH SAID SOUTH MARGIN, SOUTH 89°56'27" WEST A DISTANCE OF 3.09 FEET; THENCE NORTH 00°03'33" WEST A DISTANCE OF 3.00 FEET TO A POINT 7.50 FEET SOUTH OF AND PERPENDICULAR TO SAID SOUTH MARGIN; THENCE PARALLEL WITH SAID SOUTH MARGIN, SOUTH 89°56'27" WEST A DISTANCE OF 103.16 FEET TO THE EAST LINE OF SAID LOT 'A'; THENCE ALONG SAID EAST LINE NORTH 01°51'13" EAST A DISTANCE OF 7.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,181 SQUARE FEET OR 0.03 ACRES, MORE OR LESS.

**EXHIBIT "A"**

**PARCEL # 282605-9220 (F&M HOLDINGS L.L.C.)  
RIGHT OF WAY AQUISITION  
CITY OF KIRKLAND N.E. 128<sup>TH</sup> STREET WIDENING PROJECT**

THAT PORTION OF LOT 'B', CITY OF KIRKLAND SHORT PLAT NO. IIA83-30 AS FILED UNDER RECORDING NUMBER 8402229002, RECORDS OF KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

THE NORTH 7.50 FEET THEREOF.

CONTAINING 1,665 SQUARE FEET OR 0.04 ACRES, MORE OR LESS.

PUBLICATION SUMMARY  
OF ORDINANCE NO. 3904

AN ORDINANCE OF THE CITY OF KIRKLAND, WASHINGTON, AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF INTERESTS IN LAND FOR THE PURPOSE OF CONSTRUCTION OF NE 128TH STREET ROADWAY IMPROVEMENTS, 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.

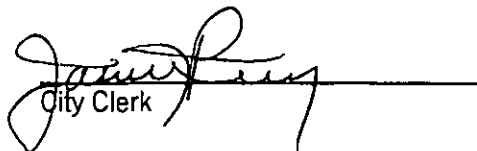
Section 1. Sets forth portions of properties to be condemned for the NE 128th Street Roadway Improvements Project. All properties are located along NE 128th Street between Totem Lake Boulevard and 120th Avenue NE.

Sections 2 and 3. Sets forth the source of funding for the project and authorizes the City Manager to pursue acquisition of the properties.

Section 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 16th day of September, 2003.

I certify that the foregoing is a summary of Ordinance 3904 approved by the Kirkland City Council for summary publication.

  
City Clerk