

RESOLUTION NO. 2194

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND IN REGARD TO JUANITA BAY VALLEY COMMUNITY ASSOCIATION, ET AL, VS. CITY OF KIRKLAND, ET AL, WASHINGTON STATE COURT OF APPEALS CAUSE NO. 1955-I AND THE OPINION OF THE COURT FILED IN SAID CAUSE ON JUNE 4, 1973.

WHEREAS, by opinion filed June 4, 1973, in Juanita Bay Valley Community Association, et al vs. City of Kirkland, et al, being Washington State Court of Appeals Cause No. 1955-I, the Court of Appeals stated:

"We therefor remand this case to the City for its determination of whether it is necessary to prepare an Environmental Impact Statement before making a decision on the question of whether or not to issue KSG a Grading Permit."

WHEREAS, unless any party in said cause may exercise his right to petition for rehearing, or subsequently for review by the Washington State Supreme Court in accordance with the Court Rules on appeal, the opinion of the Court of Appeals will become final on July 5, 1973, and

WHEREAS, said Court of Appeals, in its opinion did further hold that Grading Permit No. G-023 issued to Kirkland Sand and Gravel was issued "in a manner contrary to law",


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

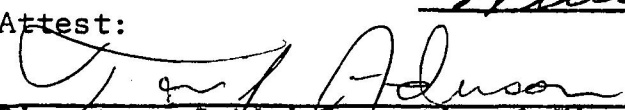
Section 1. On July 5, 1973, or at such time thereafter as the opinion of the Court of Appeals, as filed on June 4, 1973 in Juanita Bay Valley Community Association, et al vs. The City of Kirkland, et al, No. 1955-I, becomes final, Grading Permit No. G-023 issued to Kirkland Sand and Gravel shall, in accordance with said opinion, be deemed null and void and the Building Department for the City of Kirkland upon said opinion becoming final, is directed to forthwith issue and post in the manner provided by Ordinance, a Stop Work Order as to any and all work subject to said Permit.

Section 2. The City is further directed to reprocess the application of Kirkland Sand and Gravel for Grading Permit filed with the City on March 31, 1972 in accordance with said opinion of the Court of Appeals and to first determine the necessity for an Environmental Impact Statement. In making such determination, the procedures approved by Resolution 2181, (relating to environmental impact requirements) shall be followed.

ADOPTED by a majority vote of the Kirkland City Council in regular meeting on July 2, 1973.

Attest:

  
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Mayor

  
\_\_\_\_\_  
Director of Administration & Finance  
(ex officio City Clerk)