

RESOLUTION NO. R- 2293

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND CONSENTING TO THE TRANSFER OR ASSIGNMENT OF THE SECOND AVENUE SOUTH STREET END USE PERMIT FROM C.S. HADLEY, SR. TO MOSS BAY MARINA JOINT VENTURE.

WHEREAS, pursuant to Resolution No. R-2273 the City of Kirkland issued to C.S. Hadley, Sr. on October 21, 1974, a Street End Use Permit as to a portion of the Second Avenue South Street End which permit was, on November 7, 1974, recorded in the King County Department of Elections and Records under their filing and receiving No. 7411070627, and

WHEREAS, said Street End Use Permit by its terms may not be transferred or assigned by the permittee without the consent of the City of Kirkland expressed by city council resolution, and

WHEREAS, C.S. Hadley, Sr., as permittee and Moss Bay Marina, a joint venture, as proposed transferee or assignee have requested such consent to transfer from the city, and

WHEREAS, said transferee or assignee appears to be the actual legal entity or party in interest who will construct, operate and maintain the improvements within said street end authorized by the Street End Use Permit, and

WHEREAS, such transfer or assignment therefor appears to be in the public interests,

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

Section 1. The City Council of the City of Kirkland does hereby consent to the transfer or assignment from C.S. Hadley, Sr. to Moss Bay Marina, a joint venture, of the Second Avenue South Street End Use Permit issued by the city pursuant to Resolution No. R-2273 on October 21, 1974 to C.S. Hadley, Sr., which permit was recorded on November 7, 1974 with the King County Department of Elections and Records under its receiving and file No. 7411070627, provided however, that said consent is conditioned upon the following:



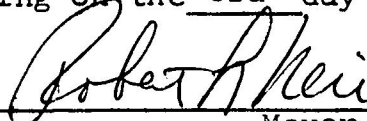
A. The transfer or assignment of said Street End Use Permit shall not, as between the City of Kirkland and C.S. Hadley, Sr., operate to relieve C.S. Hadley, Sr. of any duty, obligation or liability imposed by the terms and conditions of said Street End Use Permit upon the permittee, and

B. The transfer or assignment shall be in writing in a form acceptable for recording by the King County Department of Elections and Records and shall be so recorded. A copy of said transfer or assignment agreement, including recorder's receipt or file number shall be filed with the City of Kirkland, and

C. Said transfer or assignment agreement shall provide that the transferee or assignee shall perform and be bound by all of the terms and conditions of said Street End Use Permit, and


D. In the event the nominal transferee, to-wit: Moss Bay Marina, a joint venture, is not a legal entity, the transfer or assignment agreement shall be signed by each of the legal entities who are participants in or members of said Moss Bay Marina joint venture.

ADOPTED by a majority vote of the Kirkland City Council in regular meeting on the 3rd day of March 1975.



Mayor

ATTEST:



Director of Administration & Finance
(ex officio City Clerk)

RESOLUTION NO. R-2293

