

RESOLUTION NO. R 2375

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING AN EXTENSION OF THE SECOND AVENUE SOUTH STREET END USE PERMIT HERETOFORE ISSUED PURSUANT TO RESOLUTION NOS. R-2273 AND R-2293 FOR AN ADDITIONAL FIFTEEN YEARS MAKING A TOTAL PERMIT PERIOD OF THIRTY YEARS AND AMENDING CERTAIN PROVISIONS OF SAID PERMIT.

WHEREAS, Moss Bay Marina, a Joint Venture as permittee of the Second Avenue South Street End Permit issued by the City of Kirkland pursuant to Resolution Nos. R-2273 and R-2293 has requested an extension of said permit for an additional fifteen years, for a total of thirty years, and

WHEREAS, said permit as originally issued was "for a period not to exceed fifteen years, provided however, that said permit may be renewed for additional periods of fifteen years", and

WHEREAS, the time extension is requested in order that the life of the permit will be co-extensive with the term of the permanent financing required to be obtained by the permittee for the improvements constructed and to be constructed both within and abutting upon the permit area, and

WHEREAS, all parties agree that certain clarifying amendments should be made to said permit, and

WHEREAS, the City Council finds that such extension and amendments are to the public benefit and in the public interests and within the legislative authority of the City Council to authorize,

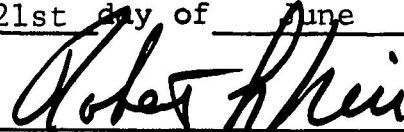
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. The City Council of the City of Kirkland does hereby consent to an extension of the term for which the Second Avenue South Street End Use Permit was originally issued by the City of Kirkland pursuant to Resolution No. R-2273 and assigned to Moss Bay Marina, a Joint Venture pursuant to Resolution No. R-2293. That such extension shall be for an additional fifteen years, making a total term of thirty years, all as set forth in the Amendment to Second Avenue South Street End Use Permit, a copy of which is attached

to the original of this Resolution and by this reference incorporated herein. The City Council does further approve of the amendments contained therein and as so amended, does ratify and confirm the permit heretofore issued under date of August 21, 1974 pursuant to said Resolutions and recorded November 7, 1974 under King County Recording No. 7411070627, and the assignment agreements executed by the original permittee and his assignee pursuant to said resolutions.

Section 2. The Mayor is authorized and directed to sign on behalf of the City of Kirkland the Amended Street End Use Permit.

ADOPTED by a majority vote of the Kirkland City Council in regular meeting on the 21st day of June, 1976.



Mayor

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)

R-2375

CITY OF KIRKLAND
AMENDMENT TO SECOND AVENUE SOUTH STREET END USE PERMIT

WHEREAS, Moss Bay Marina, a Joint Venture as permittee of the Second Avenue South Street End Permit issued by the City of Kirkland pursuant to Resolution Nos. R-2273 and R-2293 has requested an extension of said permit for an additional fifteen years, or a total of thirty years, and

WHEREAS, said permit as originally issued was for "a period not to exceed fifteen years, provided however, that said permit may be renewed for additional periods of fifteen years", and

WHEREAS, the time extension is requested in order that the life of the permit will be co-extensive with the terms of the permanent financing required to be obtained by the permittee for the improvements constructed and to be constructed both within and abutting upon the permit area, and

WHEREAS, the parties hereto have further agreed that certain clarifying amendments should be made in the terms and conditions of said permit, and

WHEREAS, the City Council has found that such extension and amendments are to the public benefit and in the public interest,

NOW, THEREFORE, it is hereby agreed that said permit shall be amended and modified as follows:

1. Section 1 of the Second Avenue South Street End Use Permit dated October 21, 1974 as recorded under King County Recording No. 7411070627 is hereby amended to read as follows:

"1. The City of Kirkland hereby grants to C.S. Hadley, Sr. and Moss Bay Marina a Joint Venture as his assignee, right to use and place encroachments in Second Avenue South as it lies westerly of Lake Street South and extends into Lake Washington, subject to the terms and conditions hereinafter set forth and for a period not to exceed thirty years, provided however, that said permit may be renewed for additional periods of fifteen years."

2. Paragraph 4A of said permit is hereby amended to read as follows:

"4. In addition to all other terms and conditions of this permit set forth or by reference incorporated herein:

"A. The City and the general public shall have free moorage or tie-up privileges along the south side of the permittee's main east-west pier which pier gives public access to the Maritime Museum area as designated on Exhibit A and B, provided that such general public moorage or tie-up privilege shall be subject to the rules and regulations of the City pertaining to the public piers within Marina Park, and further provided that the City shall have within the permit area, the right to construct additional finger or moorage piers extending southerly from and connecting to the permittee's pier which gives public access to the Maritime Museum area."

3. There is hereby added to paragraph 5 a new paragraph to be known as 5A and to read as follows:

"5A. The provisions of paragraph 5 shall be reviewed not less often than five years and the amount required to be paid to the City for the use of said street end shall be readjusted between the permittee and the City by mutual agreement, or if such agreement cannot be reached, then by a board of arbitration, one to be chosen by the City, one by the permittee and the third by the other two with their decision to be final."

4. Except as herein modified, the Street End Use Permit approved by the City of Kirkland pursuant to Resolution No. R-2273 and assigned to Moss Bay Marina, a Joint Venture, pursuant to Resolution No. R-2293, is confirmed and ratified.

DATED at Kirkland, Washington this 21st day of June,
1976.

CITY OF KIRKLAND

Robert Klein
Mayor

ATTEST:

Wm J. Anderson
Director of Administration and Finance
(ex officio City Clerk)

MOSS BAY MARINA, A JOINT VENTURE

Ray [Signature]
Permittee