

RESOLUTION NO. R-2412

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING A PROPOSED STIPULATION FOR SETTLEMENT IN THE MATTER OF JAMES WILDY, ET UX., VS. THE CITY OF KIRKLAND, KING COUNTY SUPERIOR COURT CAUSE NO. 830183.

WHEREAS, there was commenced against the City of Kirkland a civil action entitled James Wildy, et ux. vs. The City of Kirkland, being King County Superior Court Cause No. 830183, and

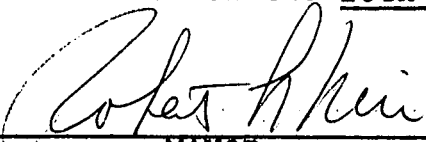
WHEREAS, all parties to said civil action have reached an agreement for settlement, and said settlement agreement has been reduced to writing and a Stipulation and Judgment in said cause,

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

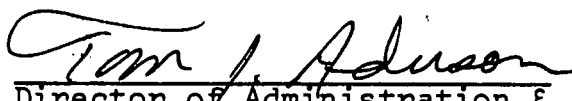
Section 1. The Mayor, City Clerk and Attorney for the City of Kirkland are hereby authorized and directed to sign on behalf of the City that certain Stipulation and Judgment to be entered in King County Superior Court, Civil Cause No. 830183, entitled James Wildy, et ux. vs. The City of Kirkland, copy of which Stipulation and Judgment is attached to this Resolution.

PASSED in regular meeting of the Kirkland City Council on the 20th day of December, 1976.

SIGNED IN AUTHENTICATION thereof on the 20th day of December, 1976.


MAYOR

ATTEST:


Director of Administration &
Finance
(ex officio city clerk)



Geotechnical Engineering and Geology

12893 N.E. 15th Place, Bellevue, Washington 98005/Phone (206) 455-2018

Mr. Jim Wilby
August 17, 1976

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SITE CONDITIONS

Surface

The subject site is located on Market Street adjacent to the public boat ramp in Kirkland, Washington. The nearly triangular site covers approximately 3600 square feet on nearly level ground built up behind a concrete bulkhead along the lake shore.

The majority of the site is grass covered with some bushes. An existing apartment house is located immediately to the north.

Subsurface

The site is underlain on the west side near the bulkhead by 1/2 to 1-1/2 feet of loose gravelly sand fill. The building area is underlain by 2 to 2-1/2 feet of loose silty gravelly sand fill which becomes wetter with depth. The fill is underlain by a medium stiff, gravelly, clayey silt at the northeast corner.

Free groundwater was noted specifically in Test Hole 1 at 6 feet, which is about 3-1/2 feet below lake level. Seepage was encountered in Test Hole 3 at a depth of 2-1/2 feet.

DISCUSSION AND RECOMMENDATIONS

General

Our hand auger holes could not penetrate deeper due to the presence of gravels and groundwater. However, we do believe that the site is underlain by relatively firm natural soils at depths of approximately 6 feet below the existing grade. Based on the results of our limited investigation, it is our opinion that the proposed addition may be supported on spread and/or continuous footings bearing on at least 3 feet of compacted structural fill; or as an alternate, the building load's may be carried down to firm natural soils by concrete cast-in-place piers.

Footings

The footings may be supported on a minimum 3-foot thick structural fill extending horizontally at least 3 feet beyond footing perimeters. The footings should be bottomed a minimum of 18 inches beneath final adjacent grade and be designed for a soil bearing value of 2000 psf. The floor slab should be supported on a minimum of two feet of structural fill. The site soils will be suitable as structural fill provided they are free from debris and compacted during the dry season. The site soils contain high percentages of fines and will not be suitable for obtaining compaction when wet.

August 17, 1976

E-142

Mr. Jim Wilby
4918 University View Place N. E.
Seattle, Washington 98105

Subject: Preliminary Soil and Foundation Investigation
Proposed Apartment Addition
55 Market Street
Kirkland, Washington

Dear Sir:

We have completed our soil and foundation investigation for the proposed apartment addition. A description of our investigation and site geology together with the indicated recommendations are presented in this report.

SCOPE AND PROJECT DESCRIPTION

The purpose of our investigation was to provide as much subsurface information necessary for foundation design and site development as can be obtained by shallow hand augered holes. Our investigation was based on the Plot Plan supplied to us by Mr. Wilby.

The project involves the construction of a two-unit apartment addition covering about 1300 square feet with parking below. We have not been provided with anticipated building loads, but we expect them to be normal for this type of construction. Maximum column loads will be on the order of 40 kips for dead plus live load. The proposed addition will be constructed immediately adjacent to the existing building.

FIELD EXPLORATION

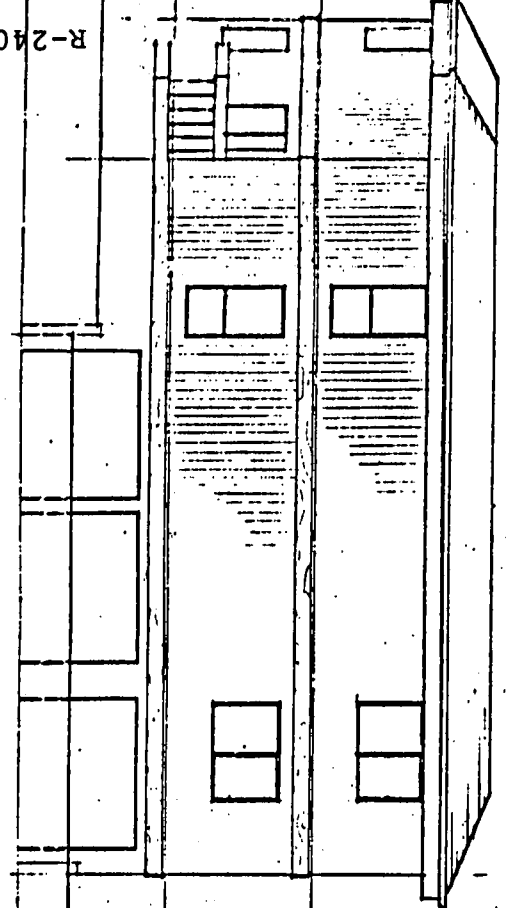
To explore the subsurface soil conditions, a series of 3 hand auger holes were excavated ranging in depth from 3 to 6 feet below the existing ground surface. The locations of these test holes are presented on the Site Plan, Plate 1.

Our field investigation was conducted by an engineering geologist from our office who classified the soils encountered, maintained a log of each test hole, obtained representative samples, and made detailed observations of site conditions. The soil logs of the test holes are presented in Table A.

EXHIBIT "G"
SOILS REPORT
PUD-76-54 (P)
JAMES WILBY

R-2404

EAST ELEVATION
SCALE 1/4" = 1'-0"



SOUTHWEST ELEVATION
SCALE 1/4" = 1'-0"

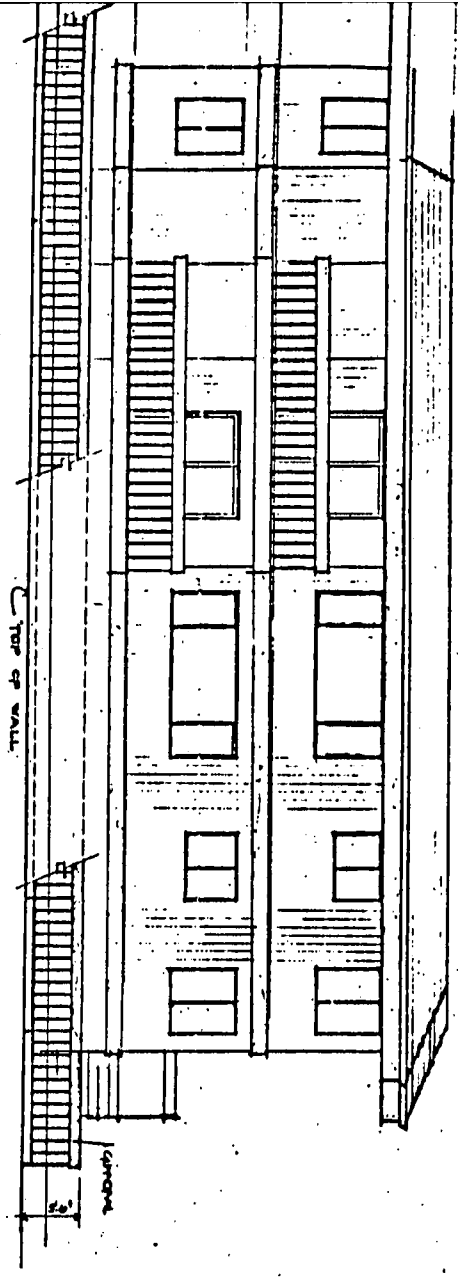
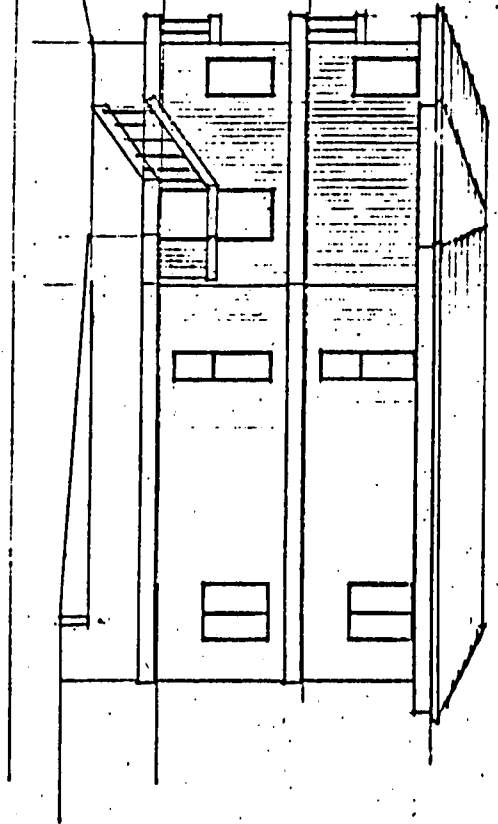


EXHIBIT "F"
ELEVATIONS
PUD-76-54 (P)
JAMES WILDY

SOUTH ELEVATION
SCALE 1/4" = 1'-0"



APPLICATION FOR A FINAL PLANNED UNIT DEVELOPMENT

NOTE: Before preparing this application, please read information on cover page of this form.

Name of Applicant James D Wildy Phone 523 4490
Company Name _____
Mailing Address 4400 1st Ave NE City North Zip 98105

The undersigned applicant(s) is(are) the owners of the property described as follows:
Legal on File, Prop Location 55 Market St.

The above property was acquired by the applicant on the 1 day of Sept, 19 64. The present zoning is W D I.

STATE OF WASHINGTON)
COUNTY OF KING)
CITY OF KIRKLAND)
A F F I D A V I T
EXHIBIT "H"
APPLICATION
PUD-76-54(P)
JAMES WILDY

I am (we are) the owner(s) of the property involved in this application and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my (our) knowledge and belief.

James D Wildy
(owner)
(owner)

Subscribed and sworn to before me this 13 day of August, 19 76

John F. Adams
Notary Public in and for the
STATE OF WASHINGTON, residing at
Kirkland

Final PUD
8/75

TABLE A

HAND AUGER HOLE LOGS

Depth - ft. Soil Classification

Test Hole No. 1 (Northwest corner of addition)

0.0 - 0.5 Gray, dry, gravelly SAND, loose, (Fill)
0.5 - 3.0 Tan to gray, moist, gravelly fine sandy SILT, medium stiff to stiff. (Fill) Soil very moist and more sandy and loose from 2 to 2-1/2 feet.
3.0 - 6.0 Gray, wet, gravelly silty SAND, loose. Water level at 6 feet.

Test Hole No. 2 (Northeast corner of addition)

0.0 - 2.0 Gray, moist to dry, silty gravelly fine SAND, medium dense. (Fill) (Dense in top 6 inches.)
2.0 - 3.0 Gray, moist, gravelly clayey SILT, medium stiff.
Digging difficult due to gravel, but soil probably medium dense. No water encountered.

Test Hole No. 3 (South corner of addition)

0.0 - 1.5 Gray, moist to dry, gravelly SAND, medium dense to dense.
1.5 - 5.0 Gray, moist to wet, silty gravelly SAND, loose. More sandy SILT with depth. Gravelly at 5 feet; unable to dig further. Wet at 2-1/2 feet.

Mr. Jim Wildy
August 17, 1976

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Concrete Piers

As an alternate, the proposed addition may be supported on concrete cast-in-place piers extending into firm natural soils. Our investigation did not penetrate sufficient depths into natural soils. Therefore, we recommend that we inspect the drilling of the piers to assure that sufficient penetration is obtained and to evaluate the load carrying capacity of each pier. For preliminary planning, we recommend that the piers extend to at least 10 feet beneath the existing surface and be designed for at least 5 kips for each pier, dead plus live loads. This assumes a minimum pier diameter of 12 inches. We would be available for consultation if your design requires higher capacities. This may require additional explorations to deeper depths.

Some construction difficulties may be encountered in the gravelly soils and groundwater causing caving of the hole.

Due to the limited scope of this investigation, we suggest that we be provided with final foundation plans for approval prior to proceeding with construction.

LIMITATIONS

The materials encountered on the project site and utilized in our investigation are believed representative of the total area; however, soil conditions may vary in characteristics between auger hole locations.

Since our investigation is based on the site materials observed and engineering analyses, the conclusions and recommendations are professional opinions. These opinions have been derived in accordance with current standards of practice and no warranty is expressed or implied. Should encountered conditions or design parameters change, this firm should be contacted for instructions prior to proceeding.

We appreciate the opportunity to be of service to you on this project. If you have any questions concerning this matter, please feel free to call.

The following Plate and Table are included and complete this report:

- Plate 1 Site Plan
- Table A Hand Auger Hole Logs

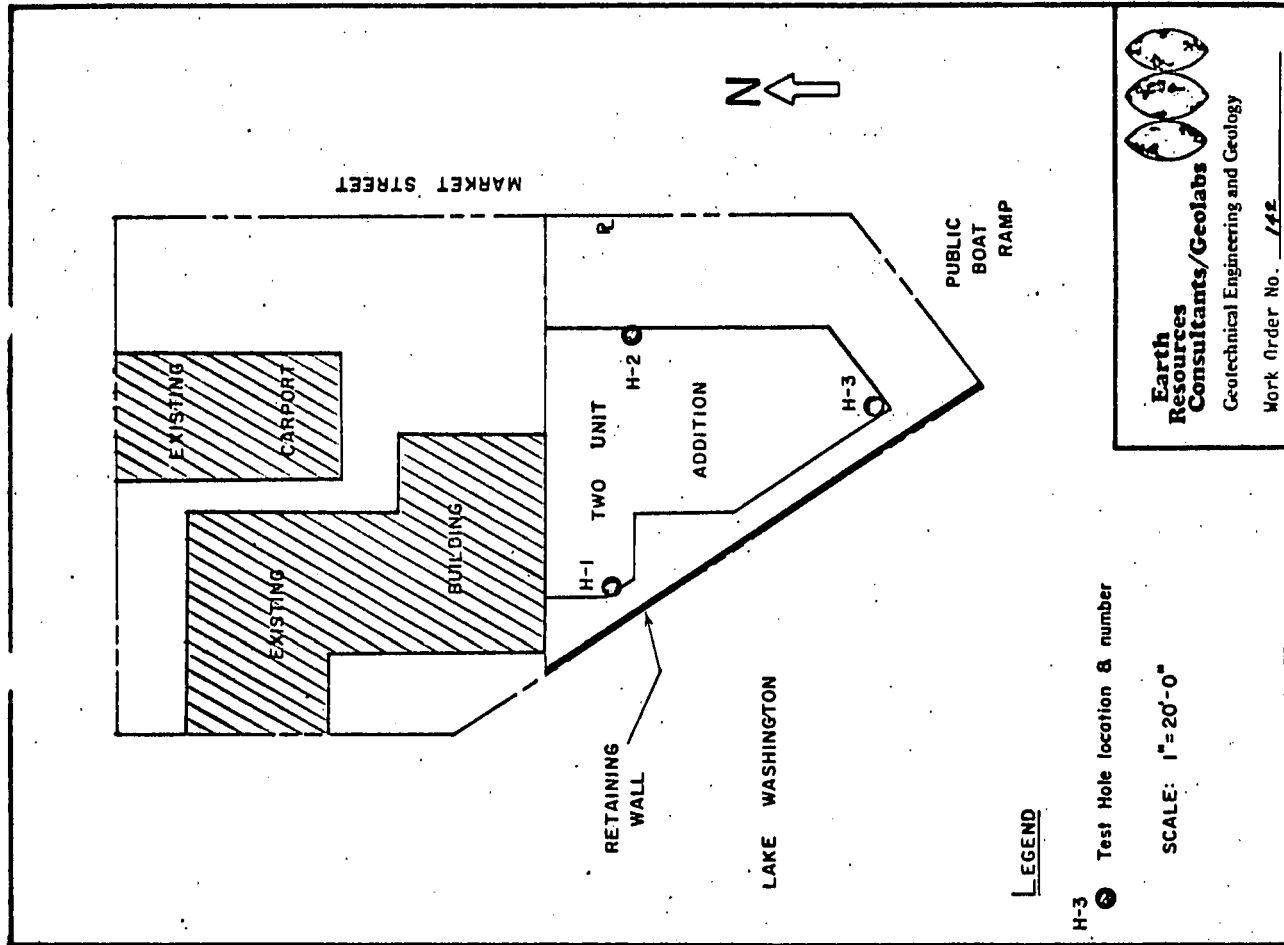


Respectfully submitted,
EARTH-CONSULTANTS, INC.

Robert S. Levinson
Robert S. Levinson, P.E.
Chief Engineer

JRL/RSL/nth

R-2404



LEGEND
● Test Hole location & number

SCALE: 1"=20'-0"

Earth Resources Consultants/Geolabs
Geotechnical Engineering and Geology
Work Order No. 142

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

JAMES WILDY and EDWINA M. WILDY,
husband and wife,)

Plaintiffs,)

vs.)

THE CITY OF KIRKLAND, a
Washington municipal corporation,)

Defendants.)

NO. 830183

STIPULATION AND JUDGMENT

S T I P U L A T I O N

IT IS HEREBY STIPULATED by and between the respective parties as follows:

1. That the plaintiffs are owners of certain property located in the City of Kirkland, generally located at 55 Market Street and which is legally described in Exhibit "A" attached hereto and incorporated herein and hereinafter referred to as the subject property.

2. That the defendant, City of Kirkland, is a municipal corporation organized pursuant to the laws of the state of Washington.

3. That on or about December 12, 1975 the plaintiffs filed an application for a Planned Unit Development to build two additional condominium dwelling units on the subject property and also for a Substantial Development permit pursuant to the Shoreline Management Act of the State of Washington.

4. That subsequently the Planning Commission and the City Council approved the preliminary Planned Unit Development and also approved the request for a Substantial Development permit, which was then approved under Chapter 90.58 RCW.

Page One

Stipulation and Judgment

POWELL, LIVENGOOD, SILVERNALE, CARTER & TJOBBEM
P.O. BOX 1
1412 MARKET STREET
KIRKLAND, WASHINGTON 98033
(206) 822-8281

R-2412

1. 5. That thereafter in accordance with the city ordinances
2 and state laws applicant submitted an application for a final
3 Planned Unit Development to the City of Kirkland. A copy of
4 said application and the recommendation of the Department of
5 Community Development is attached hereto and incorporated
6 herein as Exhibit "B".

7 6. That after the application for a final Planned
8 Unit Development was submitted to the Planning Commission, the
9 Planning Commission approved the same unanimously and the same
10 was then submitted to the City Council for its approval on
11 November 1, 1976.

12 7. It is stipulated by and between the parties that the
13 applicant is legally entitled to have the Planned Unit Development
14 approved subject to only the following conditions:

15 (a) The applicant should be required to
16 verify the depth of the sewer at the time
17 that the building permit application to
18 determine whether the property can be
19 served by gravity or needs to be pumped;

20 (b) The applicant should be required to
21 provide appropriate fees and meet the
22 conditions so specified in this report
23 of the Public Service Department, Department
24 of Fire Service and the Kirkland Building

25 Department; "This report" means the report of the
26 Kirkland Planning Commission dated Oct. 14, 1976.

27 (c) All trees within the landscaping plan
28 shall be minimum size of two inches in caliber.

29 (d) Any building permits shall only be approved
30 subject to conditions as specified by the soils
31 and geological report from The Earth Consultants, Inc.
32 dated August 17, 1976 in File E-143.

8. It is further stipulated and agreed that no public

1 access will be required between the structure authorized under
2 the Planned Unit Development and the high water mark.

3 9. It is further agreed and stipulated that the trespass
4 alleged in the fourth cause of action, if in fact there is a
5 trespass, will be deemed permissive.

6 10. That the parties agree and stipulate that as part
7 of this stipulation and settlement the use by the City of
8 Kirkland of the boat launching ramp at the present time is
9 not a nuisance.

10 11. It is further agreed that the City of Kirkland, by and
11 through its council, has authorized the mayor and the clerk and the
12 city attorney to approve and execute this stipulation and judgment.

13 DATED this _____ day of _____, 1976.

14 Robert Klein
MAYOR

James Wildy
JAMES WILDY

15 Tom Anderson
16 CLERK

Edwina M. Wildy
EDWINA M. WILDY

17 J U D G M E N T

18 Based on the foregoing Stipulation, it is hereby
19 ORDERED, ADJUDGED and DECREED that the Planned Unit
20 Development PUD-76-54(P) final is approved for the subject property
21 described in Exhibit "A" attached hereto and incorporated herein
22 and that the plaintiffs are authorized to proceed with the construction
23 of the structure approved therein in accordance with the terms
24 thereof as more fully set forth in the stipulation above. That
25 based upon the above stipulation and the aforesaid order and
26 judgment the plaintiffs first, second and third causes of
27 action are dismissed with prejudice and the fourth cause of
28 action is dismissed without prejudice on the basis that
29 said trespass, if any, by the City is permissive; and it is further

30 ORDERED, ADJUDGED and DECREED that each party pay their
31 own attorneys fees and costs incurred herein; and it is further

32 Page Three
Stip & Judgment

POWELL, LIVENGOOD, SILVERNALE, CARTER & TJOQUEM
P.O. BOX L
1313 MARKET STREET
KIRKLAND, WASHINGTON 98033
(206) 822-6201

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ORDERED that the City Council will adopt the appropriate resolution and ordinance approving the final Planned Unit Development and issue the building permit when applied for by the plaintiff.

DATED this _____ day of _____, 1976.

J U D G E

Presented by:

POWELL, LIVENGOOD, SILVERNALE,
CARTER & TJSSEM

ROBERT P. TJSSEM

APPROVED AS TO FORM, AND FOR ENTRY
AND NOTICE OF PRESENTATION WAIVED:

OSTRANDER, VAN EATON, THOMAS & FERRELL

RALPH I. THOMAS
City Attorney
City of Kirkland

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Stip & Judgment

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POWELL, LIVENGOOD, SILVERNALE, CARTER & TJSSEM
P.O. BOX 1
1313 MARKET STREET
KIRKLAND, WASHINGTON 98033
(206) 822-9261

EXHIBIT "A"

LEGAL DESCRIPTION

That portion of Lot 22, Block 167, Burke and Farrar's Kirkland Addition to the City of Seattle, Division No. 36, as recorded in Volume 30, page 27 of Plats, records of King County, Washington described as follows:

Beginning at the northwest corner of said Lot 22; thence South $39^{\circ} 17' 17''$ East along the Inner Harbor Line of Lake Washington Shore Lands 349.24 feet to the True Point of Beginning; thence North $50^{\circ} 42' 43''$ East 373.36 feet; thence South $35^{\circ} 58' 53''$ East 17.56 feet; thence North $88^{\circ} 11' 17''$ East 71.76 feet to the westerly margin of Market Street; thence South $3^{\circ} 13' 45''$ East along said street margin 47.99 feet to the most easterly corner of said Lot 22; thence South $50^{\circ} 42' 43''$ West 401.05 feet to the southwest corner of said Lot 22; thence North $39^{\circ} 17' 17''$ West 100.00 feet to the True Point of Beginning.

LEGAL DESCRIPTION

That portion of Lot 22, Block 167, Burke & Farrar's Kirkland Addition to the City of Seattle, Division No. 36, as recorded in Volume 30, page 27 of Plats, records of King County, Washington described as follows: Beginning at the northwest corner of said Lot 22; thence S. $39^{\circ} 17' 17''$ E along the Inner Harbor Line of Lake Washington Shore Lands 349.24 feet to the true point of beginning; thence N $50^{\circ} 42' 43''$ E 373.15 feet; thence N $3^{\circ} 13' 45''$ W 50.675 feet; thence N $88^{\circ} 11' 17''$ E 79.825 feet to the westerly margin of Market Street; thence S $3^{\circ} 13' 45''$ E along said street margin 114.30 feet to the most easterly corner of said Lot 22; thence S $50^{\circ} 42' 43''$ W 401.05 feet to the southwest corner of said Lot 22; thence N $39^{\circ} 17' 17''$ W 100.00 feet to true point of beginning.