

RESOLUTION NO. R-2466

A RESOLUTION/OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING CONSTRUCTION BY THE STATE HIGHWAY DEPARTMENT OF A TRAIL CROSSING OF SR 405 AT NORTHEAST 60th STREET.

WHEREAS, the State Highway Commission has requested approval from the City of Kirkland for construction of a trail under crossing of SR 405 at Northeast 60th Street, within the existing right-of-way of Northeast 60th Street, in accordance with the permit and design attached to the original of this resolution as Exhibit A, and

WHEREAS, the City Council finds that such trail crossing to separate users of the trail from the vehicular traffic on SR 405 is in the public interest;

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

Section 1. The City Manager and the Director of Administration and Finance, as ex officio City Clerk, are each hereby authorized to sign on behalf of the City of Kirkland the construction permit to the State Highway Department for construction of a trail crossing of SR 405 at Northeast 60th Street, in accordance with said design and permit attached hereto as Exhibit A, and by this reference incorporated herein.

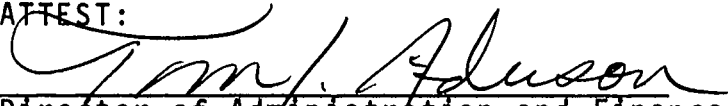
PASSED by the Kirkland City Council in regular meeting on the 3rd day of October, 1977.

SIGNED IN AUTHENTICATION thereof on the 3rd day of October, 1977.



MAYOR

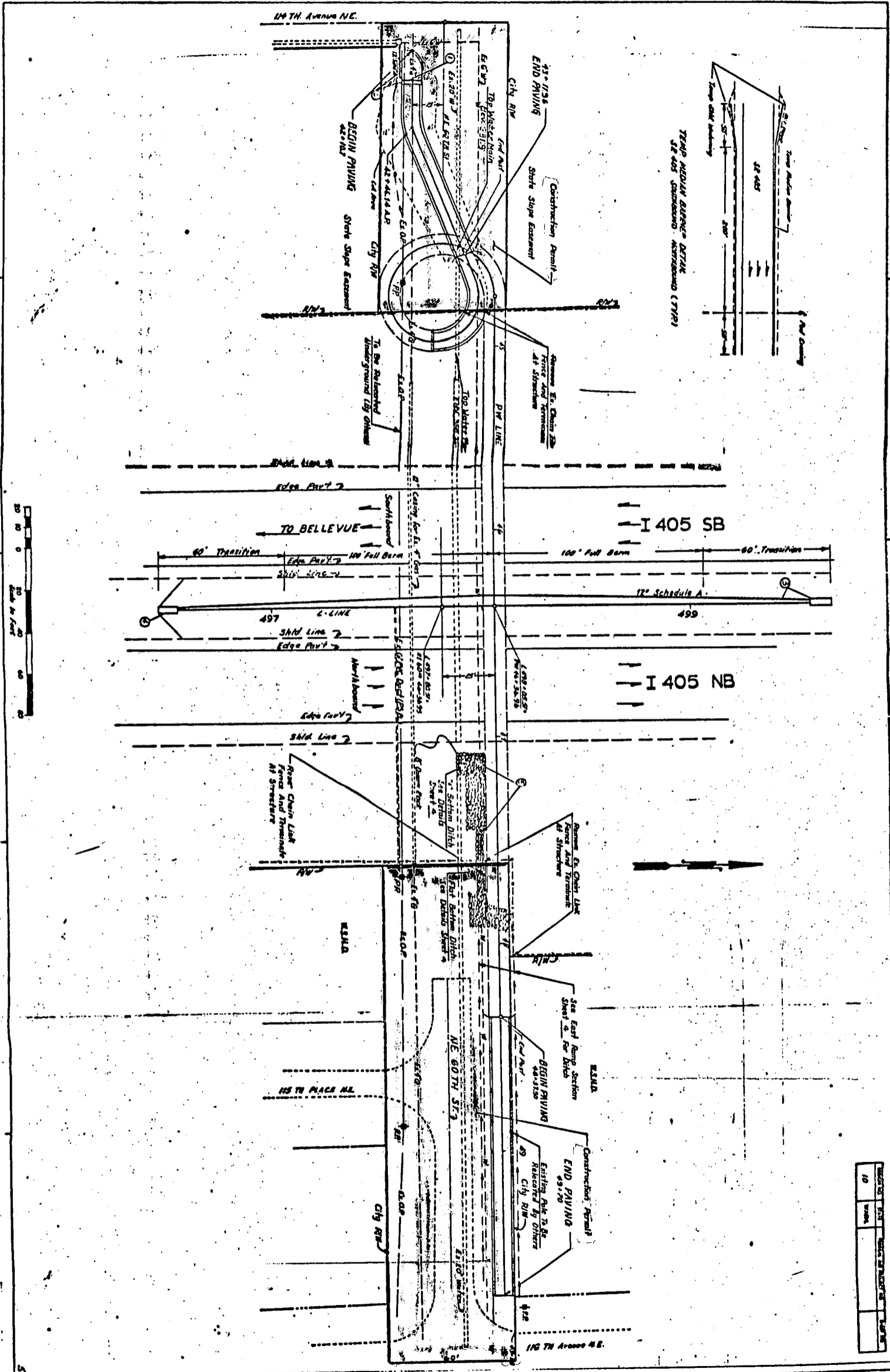
ATTEST:



Director of Administration and Finance
(ex officio City Clerk)

DATE	BY	CHK'D

APPROVED	DATE

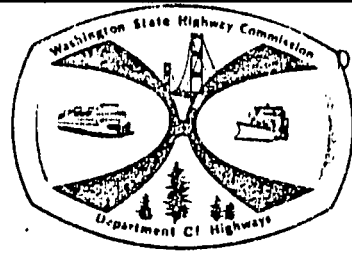


DATE	BY	CHK'D

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HIGHWAY COMMISSION

DEPARTMENT OF HIGHWAYS



DIXIE LEE RAY
XXXXXXXXXXXX - Governor
W. A. Bulley - Director

Office of District Engineer
erson Avenue South
Washington 98108

September 8, 1977

Mr. Arthur Knutson,
Dir. of Public Works
City of Kirkland
210 Main Street
Kirkland, Wa. 98033

CS 1745 SR 405
South Kirkland Trail Crossing
L-4392
Construction Permit

Dear Art:

The Highway Department is currently preparing plans for trail crossing of SR 405 at N.E. 60th Street. A structural undercrossing will be constructed to separate the trail users from the vehicular traffic on SR 405. A portion of the structure on the westerly side of SR 405 will be constructed within the existing R/W of N.E. 60th St. to 114th Ave. N.E. The trail will be extended easterly to 116th Ave. N.E. by construction of an asphalt concrete path within City R/W.

The current advertising date is December, 1977 with 120 working days specified as the length of the project. We would anticipate completion by August, 1978.

The State is requesting this letter represent authority from the City of Kirkland for the State and its contractor to construct the above described improvement within the R/W limits shown in red on the attached plans which are under the jurisdiction of the City of Kirkland.

The City, by counter-signing in the space provided, acknowledges and grants permission to construct the trail facility as requested by the State.

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Art Knutson-Kirkland

L-4392

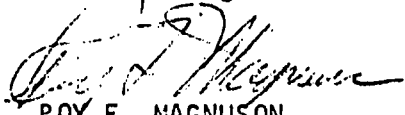
Sept. 8, 1977

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We are transmitting the original and one (1) copy of this correspondence, Please sign, if satisfactory, and return the original to our office. Thank you for your cooperation in this matter.

Very truly yours,

W. C. BOGART, P.E.
District Engineer



ROY F. MAGNUSON,
Governmental Liaison Engineer

JHH:lh
Encl.

APPROVED:


City of Kirkland

ATTEST:


City Clerk

DATED:

October 3, 1977

AGREEMENT

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THIS AGREEMENT, is made and entered into this ____ day of _____, 19____, between the State of Washington, acting through the Department of Transportation and the Secretary of Transportation, hereinafter called the "STATE", and the City of Kirkland, WA., acting by and through its authorized agent, hereinafter called the "CITY";

WHEREAS, the State is contemplating construction of a portion of SR 405, Northrup Interchange to N.E. 140th Street, on a limited access highway through the City; and

WHEREAS, in connection with the construction of the aforementioned section of highway, the State shall construct an undercrossing structure to accommodate a trail crossing of SR 405 at N.E. 60th Street; and

WHEREAS, the said structure facility will be constructed in the location shown on Sheet 5 of 25 Sheets of the right of way plan entitled "SR 405, Northrup Interchange to N.E. 140th Street" and referenced hereto as Exhibit "A"; and

WHEREAS, upon completion of construction of this facility it is necessary to describe the division of responsibility of the State and the City in the ownership, maintenance and reconstruction of these roadways and other features.

NOW, THEREFORE, it is mutually agreed that:

I.

The City agrees to issue a "construction permit" allowing the State to enter upon rights of way and construct the crossing shown on Exhibit "A". Areas of City right of way to be used to construct the project are marked in red on Exhibit "A". Prior to construction, the State will notify the City in writing that it will assume all

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responsibility for the operation, maintenance and reconstruction of the City right of way shown on Exhibit "A" until the project is completed.

II.

Once the project has been completed and the project opened to the public, the City will assume full responsibility for operation, control and maintenance of City owned right of way effective upon written notice of completion of the project from the State. Further, the City agrees to maintain the areas within the highway rights of way at the separated crossing marked in green on Exhibit "A". Reconstruction to "as-built" standards of the entire separation structure shall be the responsibility of the State.

III.

The City agrees to indemnify and hold harmless the State from all costs, claims, demands, and liabilities including attorney fees arising from or in any manner caused or occasioned in whole or in part by the performance of the terms of this agreement on the part of the City or the failure of the City to perform any of the obligations undertaken pursuant to this agreement. Nothing herein shall be deemed to require the City to hold the State harmless from costs, claims, demands or liabilities caused or resulting from the sole negligence of the State.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year first above written.

CITY OF KIRKLAND

Attest:

Allen B. Locke
by Arthur C. Bruntson
Acting City Manager

Tommy Aderson

STATE OF WASHINGTON
DEPARTMENT OF TRANSPORTATION

Approved as to Form:

Oct 13, 1977

By: *Jack A. Berland*
Assistant Attorney General

By: _____
Highway Development Engineer

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