

RESOLUTION NO. R-2469

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO SIGN ON BEHALF OF THE CITY OF KIRKLAND A SEWER FACILITIES AGREEMENT PURSUANT TO CHAPTER 35.91 RCW AND APPROVING SAID AGREEMENT BETWEEN THE CITY OF KIRKLAND AND TOTEM BOWL AND INVESTMENT COMPANY, INC.

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

Section 1. The City Manager is hereby authorized and directed to sign on behalf of the City of Kirkland an agreement with Totem Bowl and Investment Company, pursuant to Chapter 35.91 RCW in the form attached to the original of this resolution and by this reference incorporated herein.

PASSED BY MAJORITY VOTE of the Kirkland City Council in regular meeting on the 7th day of November, 1977.

SIGNED IN AUTHENTICATION thereof on the 7th day of November, 1977.


MAYOR pro tem

ATTEST:

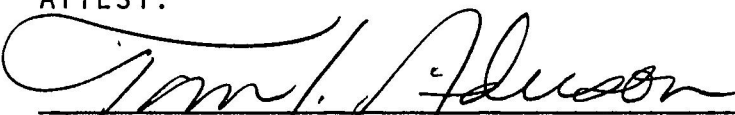

Director of Administration and Finance
(ex officio City Clerk)

Exhibit "1" filed in vault.
Exhibit "3" attached.

Recorded: Aug. 15, 1978
7808150992

CITY OF KIRKLAND SEWER FACILITIES AGREEMENT
PURSUANT TO CHAPTER 35.91 REVISED CODE OF WASHINGTON

THIS AGREEMENT made and entered into this day, pursuant to RCW Chapter 35.91, between the City of Kirkland, a non-charter optional code city, hereinafter referred to as "City" and Totem Bowl and Investment, Inc., a corporation, hereinafter referred to as "Company":

WITNESSETH:

Section 1. Company does hereby agree to construct, at its sole expense, the sewer facility described in Exhibit 2, attached hereto and by this reference incorporated herein, all in accordance with the specifications and standards of the City of Kirkland pertaining to sewer construction and installation.

Section 2. Upon completion of said sewer facility to the satisfaction of the Kirkland Director of Public Services, and acceptance thereof by the City of Kirkland, said facility shall become the property of the City of Kirkland and a part of its sewer system with full power of the City of Kirkland to charge for its use such sewer connection and service rates and charges as the City of Kirkland may be authorized by law to establish, and all further maintenance and operation costs of said facility shall be borne by the City of Kirkland.

Section 3. The area to be served by said facility is described and designated on Exhibit 1, attached to this agreement and by this reference incorporated herein. Said exhibit designates the real property owned by Company as specifically described in Exhibit 3, attached hereto, which shall not be subject to the provisions of paragraph 4 of this agreement. The balance of the service area as designated on Exhibit 1 and described in Exhibit 3, attached hereto, is divided into two benefit areas: a general benefit area and a direct benefit area. The real property within the general benefit area or within the direct benefit area shall be subject to the provisions of paragraph 4 of this agreement and to the payment of a fair prorata share of the cost of construction of said facility.

Section 4. Any owner of any real property located within the areas designated general benefit area and direct benefit area (other than those properties designated in Exhibit 3 as Company's properties) who shall hereafter tap in to or use said sewer facility (including not only

connecting directly into but also to users connecting laterals or branches connected thereto) shall, prior to such tap in or use, pay to the City of Kirkland, in addition to any connection or other charge required by the ordinances of the City of Kirkland to be paid upon connecting to a sewer facility, their fair prorata share of the cost of construction of said facility.

Section 5. For the purposes of determining such "fair prorata share", the cost of construction of said facility shall be considered to be \$100,000.00, provided, however, the City may adjust said cost to reflect the true and final cost of construction of said facility. The City of Kirkland shall determine each such fair prorata share by any method or formula authorized for the use in determination of assessments under Local Improvement District statutes for cities, provided, however, that if such determination has not been made by the City prior to its acceptance of the constructed facility, then said fair prorata share shall be determined: upon a square footage basis at the rate of \$.02 per square foot as to those areas designated and described in Exhibits 1 and 3 as lying within the "general benefit area"; and upon a square footage basis at the rate of \$.07 per square foot as to those properties designated on Exhibit 1 and described in Exhibit 3 as being within the "direct benefit area".

Section 6. Within sixty (60) days after receipt by the City of any "fair prorata share", the City shall disburse said sum, less fifteen (15%) percent thereof to be retained by the City of Kirkland to cover costs of administering the provisions of this agreement, to Company at 13033 N.E. 70th Pl. Kirkland, Washington, until such time as Company shall have received the total sum of \$51,797.30, or the expiration of fifteen (15) years from the date of this agreement, whichever event shall first occur. Thereafter, any amount of charge made or received by the City to tap in to or use said facility shall be retained by the City.

Section 7. The provisions of this agreement shall not be effective as to any owner of real property designated in Exhibit 1, other than Company, until such time as this agreement shall have been recorded in the Office of the King County Department of Elections and Records and then only as to such real property owners as tap in to or connect in to said facility subsequent to such recording. City shall not be required to disburse any "fair prorata share" to Company which may not be lawfully collected from such real property owner at the time said real property taps in to or connects to said facility.

Section 8. In the event the cost, or any part thereof, of a sewer improvement, whether local or general, is or will be assessed against the owners of real property and such sewer improvement will be connected in to or will make use of the facility constructed pursuant to this agreement, and the cost thereof was not contributed to by the owners of said real property, there shall be included in the Engineers' estimate for the hearing on any such improvement, separately itemized, and in such assessments, a sum equal to the amount provided for in this agreement as a fair prorata share due from such owners in accordance with the provisions of this agreement.

Section 9. No person, firm or corporation, other than Company, as to the real property identified as owned by Company in Exhibit 1 hereto, shall be granted a permit or authorized to tap in to or use said facility or extensions thereof without first paying their fair prorata share as herein provided.

DATED at Kirkland, Washington, this 14th day of November, 1977.

TOTEM BOWL AND INVESTMENT
COMPANY, INC.

BY: James E. Gained Pres.

BY: _____

CITY OF KIRKLAND

BY: Allen B. Locke
CITY MANAGER FOR THE CITY OF
KIRKLAND, WHO IS AUTHORIZED TO
EXECUTE THIS AGREEMENT ON BE-
HALF OF SAID CITY BY VIRTUE
OF RESOLUTION NO. R- 2469

REF. N ^o	COMPUTER ACCOUNT N ^o	OWNER	DESCRIPTION	S.F.	DIRECT BEN.
A1	0260	DWAYNE DAVIS 7005 - 124 th N.E. KIRKLAND, WA 98033	SOUTH 74 FT, LOT 6, BLK 3 SUBJ. TO CITY OF SEATTLE TRANSMISSION LINE ESM ^T	9,108	9,108
BURKE & FARRAR'S KIRKLAND ADD. DN. 20 (124150) V2: P43					
B1	0020	L.E. LOCKHART 12412 N.E. 70 th KIRKLAND, WA 98033	LOT 4 <u>BLK 61</u> BEG. AT S.W. CORN. LOT 4, TH N 111.30 FT, TH N 88° 45' 08" E TO PT 120.87 FT. W OF E LN SD LOT, TH S TO S LN SD LOT, TH W TO BEG. SUBJ TO ESM ^T CITYSEA TRANSMISSION LN	20,034	20,034
B2	0024	CHARLES C MAHAFFEY 250 - 10 th AVE. S. KIRKLAND, WA 98033	LOT 4 <u>BLK 61</u> W 70 FT OF E. 120.87 FT OF S 1/2	17,205	9,800
B3	0025	HAROLD KENT JR. 12426 N.E. 70 th KIRKLAND, WA 98033	LOT 4 & LOTS <u>BLK 61</u> E 50.87 FT. OF S 1/2 OF 4 & W 54.13 FT OF S 1/2 OF 5	21,307	14,700
B4	0029	CARL V. ULBRICKSON 12506 N.E. 70 th KIRKLAND, WA 98033	LOTS <u>BLK 61</u> S 1/2 OF W 1/2 LESS W 54.13 FT	19,543	13,482 563 x 242, 53 563 x 140
B5	0033	JOSEPH BOTTEM 14929 N.E. 163 rd WOODENVILLE, WA 98072	LOT 5 <u>BLK 61</u> BEG. SE CORN. LOTS, TH N 88 FT, TH S 88° 26' 17" W 150.45 FT, TH S 01° 38' 25" E 86.36 FT, TH N 89° 03' 46" E 150.435 FT N/L TO BEG.	13,115	13,115
B6	0080	RICHARD I. HOUDEN 12624 N.E. 70 th KIRKLAND, WA 98033	LOT 15, 16 & 17 <u>BLK 62</u> ALL OF LOT 16 & LOTS 15 & 17 LESS POR. PLATTED AS BURJANS ROSE HILL ADD DN. 18 LESS W 150' OF N 135' OF LOT 17, LESS ST.	48,749	21,000 (150 x 140) 101,239

REF NO	COMPUTER ACCOUNT NO	OWNER	DESCRIPTION	S.F. GEN. BENEFIT	S.F. DIRECT BENEFIT
		BURKE & FARRAR'S KIRKLAND ADD. DIV 20 (124150)			
B7	0115	JOSEPHINE ERWAY 7325 - N.E. 155 th BOTHELL, WA 98011	LOT 21 <u>BLK 63</u> LOT 21	70,850	28,120
B8	0120	FRED HARIQ 7019 - 130 th N.E. KIRKLAND, WA 98033	LOT 22 <u>BLK 63</u> LOT 22 LESS E 1/2 LESS N 320 FT.	43,660	14,039
B9	0121	WILLIAM E HARIQ 12834 - N.E. 70 th PL. KIRKLAND, WA 98033	LOT 22 <u>BLK 63</u> E 1/2 LESS N 320 FT.	15,890	14,039
B10	0125	FRED HARIQ 7019 - 130 th N.E. KIRKLAND, WA 98033	LOT 23 <u>BLK 63</u> LESS W 1/2 EXCEPT N 320 FT LESS S 130 FT OF N 260 FT OF E 1/2 LESS FOLG N 80 FT OF S 215.36 FT MEAS. ALG E. LINE OF E 1/2	12,392	12,392
B11	0126	CLARENCE M. HARIQ 12844 - N.E. 70 th PL. KIRKLAND, WA 98033	LOT 23 <u>BLK 63</u> W 1/2 LESS N 320 FT	18,252	18,059
B12 C UNLY	0127	CLARENCE M. HARIQ 12844 - N.E. 70 th PL. KIRKLAND, WA 98033	LOT 23 <u>BLK 63</u> S 130 FT OF N 260 FT OF E 1/2		
B13	0129	CLARENCE M. HARIQ 12844 - N.E. 70 th PL. KIRKLAND, WA 98033	LOT 23 <u>BLK 63</u> N 80 FT OF S 215.36 FT MEAS ALG. E. LINE OF E 1/2	8,022	1,647
B14	0145	BOB R. CARPENTER 13014 - N.E. 70 th PL. KIRKLAND, WA 98033	LOT 27 <u>BLK 64</u> LOT 27	72,393	28,074
				249,150	112,350

REF. N°	COMPUTER ACCOUNT N°	OWNER	DESCRIPTION	S.F. GEN. BENEFIT	S.F. DIRECT BENEFIT
BURKE & FARRAR'S KIRKLAND ADD. DIV. 20 (124150)					
B15	0180	J.E. JOHNSON 12607 N.E. 70 th ST. KIRKLAND, WA 98033	<u>BLK 81</u> LOT 32 & 33	67,993	37,522
B16	0190	W.O. GRISWOLD 12643 - N.E. 70 th PL. KIRKLAND, WA 98033	<u>BLK 81</u> LOT 34, 35 & 36	96,843	56,284
B17	0220	PATRICIA A. LIDSTONE 6842 - 128 th AVE N.E. KIRKLAND, WA 98033	<u>BLK 82</u> LOT 41 NLY 90 FT MEAS ALG E & W LINES	9,000	9,000
B18	0230	GLEN A HUPP ETAL 6522 - 50 th AVE N.E. SEATTLE, WA 98115	<u>BLK 82</u> LOT 42 & 43	12,000	40,000
B19	0240	ATTORNEY R.F. SCHACHT JOHN L. GRAHAM ESTATE 307 - S. 2 nd ST. MOUNT VERNON, WA 98273	<u>BLK 82</u> LOT 44	36,000	20,000
B20	0245	JAMES F. GAINES 7537 - 115 th N.E. KIRKLAND, WA 98033	<u>BLK 82</u> LOT 45 & 46 N 1/2 LESS W 60 FT OF 45	25,200	25,200
B21	0246	ATTORNEY R.F. SCHACHT JOHN L. GRAHAM ESTATE 307 - S. 2 nd ST. MOUNT VERNON, WA 98273	<u>BLK 82</u> LOT 45 & 46 S 1/2 OF 45 & 46 & W 60 FT OF N 1/2 OF 45	46,800	37,200
B22	0255	J.E. GAINES F.R.M. SHAY 7537 - 115 th PL. N.E. KIRKLAND, WA. 98033	<u>BLK 82</u> LOT 47 & 48	217,248	46,900
				571,084	272,106

REF. NO	REPORTOR ACCOUNT NO	OWNER	DESCRIPTION	GEN. BENEFIT	S.F. BENEFIT
		BURKE & FARRAR'S KIRKLAND ADD. DN. 20 (124150)			
B23	0275	TOTEM BOWL 13033 - N.E. 70 th PL. KIRKLAND, WA 98033	LOT 51 <u>BLK 83</u> LOT 51 LESS N 122 FT.	23,800	23,800
B24	0276	TOTEM BOWL & INVESTMENT, INC TAX DEPT 2332-14409 2828 N. HASKELL DALLAS, TEXAS 75204	LOT 51 <u>BLK 83</u> S. 12 FT W N. 122 FT	1,253	1,253
B25	0277	TOTEM BOWL & INVESTMENT, INC JAMES E. GAINES 13033 N.E. 70 th PL. KIRKLAND, WA 98033	LOT 51 <u>BLK 83</u> N 110 FT	11,484	11,484
B26	0280	TOTEM BOWL 13033 - N.E. 70 th PL KIRKLAND, WA 98033	LOT 52 <u>BLK 83</u>	36,000	28,800
B27	0285	TOTEM BOWL 13033 - N.E. 70 th PL. KIRKLAND, WA 98033	LOT 53 & 54 <u>BLK 83</u> LOT 53 & POR. OF 54 WLY OF LINE REG. INSTRASC OF E. LN SE 1/4 - 9-25-5 WITH E OF MACADAM RD. TH NWLY ALG SD. E 338.9 FT. TH S1°25'47" E 31.23 FT TO N. LN LOT 54 & T.P.O.B. TH S01°29'47" E 145.31 FT MIL TO N. WALL OF A CONC. BLK. BLDG. TH ELY ALG N. WALL 0.38 FT TO BLDG CORN. TH SLY ALG E. WALL 145 FT MIL TO S.E. BLDG CORN. SD. PT. BEING 0.58 FT E OF LN WCH 86 AKS S01°29'47" E FRM T.P.O.B. TH WLY ALG. S BLDG WALL 0.58 FT, TH S01°- 29'-47" E 69.69 FT MIL TO SW of 54	54,000	26,250
				126,537	91,587

COMPANY
SEE EXHIBIT #1

R-2469

REF. NO	COMPUTER ACCOUNT NO	OWNER	DESCRIPTION	S. F. GENERAL BENEFIT	DIRECT BENEFIT
		BURKE & FARRAR'S KIRKLAND ADD. DN. 20 (124150)			
B 28	0286	OASIS PARTNERSHIP 322 QUEEN ANN AVE. N. SEATTLE, WA 98109	<p>LOTS 54, 55 & 56 <u>BLK 83</u></p> <p>55-56 & POR. of 54 ELY 7 LINE BEG. NLY 1/4 E. LN S.E. 1/4 9-25-5 w/c of MACADAM RD, th NLY ALG SD & 338.9 FT, th S. 01° 29' 47" E 31.23 FT TO N. LN OF 54 & T.P.O.B. th S. 01° 29' 47" E 145.51 FT M/L TO N. WALL OF A CONC. BLK, BLDG, th ELY ALG N. WALL 0.38 FT TO BLDG CORN. th SLY ALG E WALL 145 FT M/L TO S.E. BLDG CORN. SD PT BEING 0.58 FT E OF LN WCH BEARS S. 01° 29' 47" E FROM T.P.O.B. th WLY ALG SD BLDG WALL 0.58 FT, th S. 01° 29' 47" E 69.69 FT M/L TO S LN LOT 54 LESS B.A.A.P. ON NLY LN OF 55 N. 51° 02' 14" W 150 FT FR N.E. CORN of 56 th S. 51° 02' 14" E 150 FT, th S ALG E LN of 56 90 FT, th S 88° 33' 21" W TO WLY LN of 56, th N. 51° 02' 14" W 110 FT, th N 29° 19' 04" E 134.91 FT M/L TO T.P.O.B.</p>	58,700	44,028
B 29	0288-09	OASIS PARTNERSHIP 322 QUEEN ANN AVE. N. SEATTLE, WA 98109	<p>LOT 55 & 56 <u>BLK 83</u></p> <p>POR. of 55 & 56 B.A.A.P. ON NLY LN of 55, N. 51° 02' 14" W 150 FT FR N.E. CORN of 56, th S. 51° 02' 14" E 150 FT, th S ALG E LN of 56 90 FT, th S 88° 33' 21" W TO WLY LN of 56, th N. 51° 02' 14" W 110 FT, th N 29° 19' 04" E 134.91 FT M/L TO P.O.B.</p>	23,300	5,972
				82,000	50,000

COMPANY
SEE EXHIBIT #1

R-2464

COMPANY
SEE EXHIBIT #1

REF. NO.	COMPUTER ACCOUNT NO.	OWNER	DESCRIPTION	S.F. GEN. BENEFIT	DIRECT BENEFIT
BURKE & FARRAR'S KIRKLAND ADD. DIV. 20 (124150)					
B30	0305	OASIS PARTNERSHIP 322 QUEEN ANN AVE. N. SEATTLE, WA 98109	LOT 57 <u>BLK 03</u>	69,733	44,000
B31	0310	DOUGLAS L. ROGERS 8124 - S.E. 44th MECCER ISLAND, WA 98040	LOT 58 & 59 <u>BLK 03</u>	180,136	60,000
B32	0320	TOTEM BOWL 13033 N.E. 70th PL. KIRKLAND, WA 98033	LOT 60 <u>BLK 03</u>	95,893	60,176
B33	0325	ROBERT M SHAY 13033 - N.E. 70th PL. KIRKLAND, WA 98033	LOT 61 <u>BLK 04</u>	90,864	
BURNS - ROSE HILL NO 1 (VOL 70 P 24) (126240)					
C1	0020	J. H. FARIS 7006 - 126th AVE N.E. KIRKLAND, WA 98033	LOT 8	9,600	9,600
C2	0090	J. H. FARIS 7006 - 126th AVE N.E. KIRKLAND WA 98033	LOT 9 LESS 4LY 22 FT	6,784	6,784
C3	0100	D. J. McLAUGHLIN 12606 - N.E. 70th ST KIRKLAND, WA 98033	4LY 22 FT OF 9 WLY 53 FT OF 10 E POR. 14 LY 9 WLY 9 FLX RING N 30° 36' 32" W FEM PT. 75 F.T.E. OF S.W. CORN.	9,600	9,600
				462,610	190,160

COMPANY
SEE EXHIBIT #1

R-2469

REF. N ^o	COMPUTER ACCOUNT N ^o	OWNER	DESCRIPTION	S.F. GEN. BENEFIT	DIRECT BENEFIT
TAX LOTS S.E. 1/4 SEC 9 - T25N - R5E W.M.					
06	9215	STANFORD H. DENTON 6901-125 th AVE N.E. KIRKLAND, WA 98033	5200 FT OF N 230 FT OF W 142 FT. & 570 FT OF N 300 FT OF W 30 FT OF S.E. 1/4 SUBJ. TO CITY OF SEATTLE & TAMM'S 1/4 LINE	30,500	28,400
07	9217	DAVID M MACK 6924-125 th AVE N.E. KIRKLAND, WA 98033	E 112 FT OF W 538 FT OF S 15 FT OF N 145 FT OF S.E. 1/4	12,880	12,880
				43,380	41,280

G.B. TOTALS		D.B.
#1	146,061	101,237
2	249,459	112,350
3	571,084	272,106
4	126,537	91,587
5	82,000	50,000
6	462,610	190,160
7	164,672	113,412
8	43,380	41,280
<u>1,845,803 S.F.</u>		<u>972,134 S.F.</u>

REF. NO.	COMPUTER ACCOUNT NO.	OWNER	DESCRIPTION	S.F. GEN. BENEFIT	DIRECT BENEFIT
C4	0195	RICHARD I. HOUGEN 12624 - N.E. 70 th ST KIRKLAND, WA. 98033	LOT 10 LESS N. 12 FT & LESS W 53 FT THOR BLOT 11 LESS N 12 FT & LESS E 19 FT THOR.	9,628	9,628
C5	0110	MICHAEL J. CONLEY 12632 - N.E. 70 th ST. KIRKLAND, WA 98033	E. 14 1/2 FT & ALL OF 12 LESS E 3 FT	11,008	11,008
C6	0120	G. CONNORS 12638 - N.E. 70 th ST - KIRKLAND, WA. 98033	ELY 3 FT OF 12 & ALL OF 13	10,056	10,056
TAX LOTS					
S.E. 1/4 SEC 9 - T25N - R5E W. 1/4 M.					
D1	9072	JUAN E JOHNSON 12607 - N.E. 70 th ST KIRKLAND, WA 98033	E 142 FT OF W 792 FT OF N 520 FT OF S.E. 1/4 LESS CO. RD	69,580	28,400
D2	9076	CARELL M BALOWIN 12421 - N.E. 70 th ST. KIRKLAND, WA 98033	E 112 FT OF W 254 FT OF N 300 FT OF NW 1/4 OF S.E. 1/4 LESS N 30 FT LESS 550 FT	24,640	22,400
D3	9082	EARL J. DONAHUE 12429 - N.E. 70 th ST. KIRKLAND, WA 98033	E 112 FT OF W 366 FT OF N 200 FT OF N.W. 1/4 OF S.E. 1/4 LESS N 30 FT.	19,040	19,040
D4	9084	STANFORD H. DENTON 6901 - 125 th AVE. N.E. KIRKLAND, WA 98033	570 FT OF N 300 FT OF E 112 FT OF W 142 FT OF S.E. 1/4 SUBJ. TO TRANSF. N LINE 65M T	7,840	
D-5	9137	WAYNE K. WATSON 12525 - N.E. 70 th ST. KIRKLAND, WA 98033	E 112 FT OF W 650 FT OF S 115 FT OF N 145 FT OF N.W. 1/4 OF S.E. 1/4	12,880	12,880
				163,672	113,912


STATE OF WASHINGTON)
) ss
COUNTY OF KING)

On this day personally appeared before me, _____

James E. Gaines

to me known to be the President and Secretary, respectively, of the corporation that executed the foregoing agreement, and acknowledged that said agreement to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute said agreement, and that the seal affixed to said agreement is the corporate seal of said corporation.


SUBSCRIBED AND SWORN to before me this 23rd day of November, 1977.


NOTARY PUBLIC in and for the
State of Washington, residing
in King County

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

On this day personally appeared before me, ALLEN B. LOCKE, to me known to be the City Manager of the City of Kirkland, and acknowledged that said agreement to be the free and voluntary act and deed of said City, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said agreement.

SUBSCRIBED AND SWORN to before me this 14th day of November, 1977.


NOTARY PUBLIC in and for the
State of Washington, residing
in King County