

RESOLUTION NO. R-2501

A RESOLUTION OF THE CITY COUNCIL OF THE CITY KIRKLAND AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY AN EASEMENT OVER A PORTION OF THE NORTHERLY FIFTEEN FEET OF THAT PORTION OF WAVERLY PARK LYING ADJACENT TO AND FIFTEEN FEET EAST OF WAVERLY PARK WAY AS ESTABLISHED BY RESOLUTION NO. 539.

WHEREAS, the owner of real property adjoining Waverly Park along the north boundary of said park has requested the City to provide improved access to said real property, either by easement grant or by widening of Waverly Park Way (as established in Resolution No. 539), adopted by the Kirkland City Council on November 15, 1965), and

WHEREAS, the Park Department and the Park Board have recommended to the city Council the granting of an easement for such ingress and egress, subject to certain conditions, all as set forth in the memorandum from the Director of Parks and Recreation dated January 25, 1978, now, therefore,

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

Section 1. The Kirkland City Council approves the grant of an easement for ingress and egress to the property abutting upon the north boundary line of Waverly Park provided that the owner of said property fulfill all of the conditions recommended by the Park Department and the Park Board as set forth in the memorandum dated January 25, 1978, from David Brink, Director of Parks and Recreation for the City of Kirkland. A copy of said memorandum is attached to the original of this Resolution, and by this reference incorporated herein.

Section 2. The Mayor and Director of Administration and Finance for the City of Kirkland are hereby authorized and directed to sign on behalf of the City of Kirkland an easement in the form attached to the original of this Resolution, and by this reference incorporated herein. Said easement shall be delivered to the grantee by the City Manager only upon written certification to the City Manager from the Director of Parks and Recreation that all of the conditions herein

incorporated by reference have been fulfilled, or bond for their performance has been received by the City.


PASSED BY MAJORITY VOTE of the Kirkland City Council in regular meeting on the 21st day of February, 1978.

SIGNED IN AUTHENTICATION thereof on the 21st day of February, 1978.



MAYOR

ATTEST:



Directors of Administration & Finance
(ex officio/City Clerk)

EASEMENT

GRANTOR: City of Kirkland, a municipal corporation of the State of Washington.

GRANTEE: J. Wilson Gaw

The grantor hereby grants and conveys unto the grantee, an easement for ingress and egress, over and across, the following described real property, situate in Kirkland, King County, Washington, and specifically described as follows, to-wit:

Commencing at a point on the east right-of-way line of Waverly Park Way as established by City of Kirkland Resolution No. 539, thence northerly along said easterly right-of-way line of Waverly Park Way fifteen feet to the northerly boundary of Waverly Park, thence easterly along the northerly boundary of Waverly Park a distance of fifteen feet, thence southwesterly to the point of beginning.

This easement is granted solely for the use and benefit of Lots 1 and 2 of that certain informal subdivision approved November 17, 1965, by the City of Kirkland pursuant to Kirkland Ordinance No. 997. Said easement shall run with the land.

Dated at Kirkland, Washington, this 21st day of February, 1978.

Robert Neir

MAYOR

ATTEST:

Tom J. Anderson

DIRECTOR OF ADMINISTRATION AND
FINANCE (ex officio City Clerk)

STATE OF WASHINGTON.)
) ss
COUNTY OF KING)

On this day personally appeared before me, ROBERT NEIR, Mayor of the City of Kirkland, and TOM J. ANDERSON, Director of Administration and Finance for the City of Kirkland, to me known to be the individuals described in and who executed the within and foregoing easement, and acknowledged the said easement to be the free and voluntary act and deed of said City for the uses and purposes therein mentioned, and on oath state that they are authorized to execute said easement.

WITNESS MY HAND AND OFFICIAL SEAL this 21st day of February 1978.

Arthur E. Brunton

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

R-2501

January 25, 1978

M E M O R A N D U M

To: Mr. Locke
From: David Brink
Subject: Gaw request for easement

Re Mr. Gaw's request for a 15' easement across the north-east corner of Waverly Park: The Park Board approved his request at their January meeting to be submitted to the City Council with the following conditions as recommended by staff:

1. Clean-up of the existing condition which has a broken fence between the City park and debris placed upon city property from the retaining wall project.
2. Erection of a retaining wall backed with quarry spall, and drain pipe on the easement to preclude a slide which is likely to occur with removal of the alder tree. Design to be approved by the City of Kirkland.
3. Asphaltting of easement section to match grade with park parking lot. Grade approval by Park Director.
4. Survey to determine property line.
5. All costs to be borne by applicant.
6. Final design and installation approval by Park Director.
7. Approval by City Council.
8. A performance bond should be secured by Mr. Gaw and a "hold harmless" agreement should be signed by him.

Mr. Gaw's original request was submitted to the City Council. The foregoing approved by Mr. Thomas and the Development Review Committee.

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