

RESOLUTION NO. R 2512

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF KIRKLAND AN AGREEMENT BETWEEN THE CITY OF KIRKLAND AND THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION WITH RESPECT TO RIGHT OF WAY ACQUISITION FOR THE EXTENSION AND IMPROVEMENT OF 120th AVENUE NORTHEAST BETWEEN NORTHEAST 124th STREET AND NORTHEAST 116th STREET WITHIN THE CITY OF KIRKLAND.

WHEREAS, the Washington State Department of Transportation has heretofore planned to extend and improve 116th Avenue Northeast for a distance of approximately 200 feet south of the intersection of Northeast 124th Street and 116th Avenue Northeast, in King County, as a part of its highway project entitle SR-405 Northrup interchange to Northeast 140th Street, and

WHEREAS, the City of Kirkland pursuant to Ordinance No. 2345 has developed a plan for the extension and improvement of 120th Avenue Northeast between Northeast 124th Street and Northeast 116th Street, as a part of Local Improvement District No. 115, and

WHEREAS, the respect plans of the state and the city are in conflict insofar as the roadway alignment south of the intersection of Northeast 124th Street and 116th Avenue Northeast is concerned, and

WHEREAS, the state and the city wish to avoid such conflict, and wish to coordinate their respective plans for the extension of 120th Avenue Northeast, and

WHEREAS, the Washington State Department of Transportation has submitted a proposed agreement with regard to such conflict and coordination.

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

Section 1. The City Council approves in principal, the general provisions of the proposed agreement between the Washington State Department of Transportation and the City of Kirkland with respect to cooperative and coordinated improvement of the extension of 120th Avenue Northeast, as set forth in the proposed agreement, copy of which is attached to the original of this resolution and by this reference incorporated herein.

Section 2. The Mayor of the City of Kirkland is hereby authorized and directed to sign on behalf of the City, an agreement with the Washington State Department of Transportation, substantially in accord with the


proposed agreement hereto attached, subject to approval as to form by the City Attorney.

PASSED BY MAJORITY VOTE of the Kirkland City Council in regular meeting on the 20th day of March, 1978.

SIGNED IN AUTHENTICATION thereof on the 20th day of March, 1978.


MAYOR

ATTEST:


Director of Administration &
Finance
(ex officio City Clerk)

A G R E E M E N T

THIS AGREEMENT, made and entered into this ____ day of _____, 19____, between the State of Washington, Washington State Department of Transportation, hereinafter referred to as the "State," and the City of Kirkland, King County, Washington, hereinafter referred to as the "City;" and

WHEREAS, the State plans to extend and improve 116th Avenue NE for a distance of approximately 200 feet south of the intersection of NE 124th Street and 116th Avenue NE in King County as a part of its highway project entitled SR 405 Northrup Interchange to NE 140th Street; and

WHEREAS, the City, pursuant to Kirkland Ordinance No. 2345, subsequently developed a plan for the extension and improvement of 120th Avenue NE between NE 124th Street and NE 116th Street; and

WHEREAS, the respective plans of the State and the City are in conflict insofar as the roadway alignment south of the intersection of NE 124th Street and 116th Avenue NE is concerned; and

WHEREAS, the State and City wish to avoid such conflict and wish to coordinate their respective plans for the extension of 120th Avenue NE;

NOW, THEREFORE, in consideration of the terms, conditions, and performance herein contained or attached and incorporated and made a part hereof,

IT IS AGREED between the parties hereto that:

I

The State will revise its right of way plan entitled SR 405,

Northrup Interchange to NE 140th Street, so that it will conform to the City's plan for the alignment of the extension of 120th Avenue NE south of the intersection of NE 124th Street and 116th Avenue NE.

II

The State will deed to the City the right of way and slope easement, shown on Exhibit "A," sheet 1 of 1 sheet, which is attached to and made a part of this agreement, to be used by the City for the location and construction of a portion of 120th Avenue NE pursuant to the City's plan.

III

The State will install traffic signalization at the intersection of NE 124th Street and 116th Avenue NE.

IV

The City will construct the entire 120th Avenue NE extension in accordance with its plan entitled, "North Kirkland Improvement Area, Kirkland, Washington, E.D.A. Project No. 07-01-01924, as prepared by its consultant, Kramer, Chinn & Mayo, Inc., and in accordance with any additional features which are not shown on the City's plan but which were represented by the City to abutting property owners as part of the City's plan.

V

The City will replace and/or install chain link fence one foot inside the limited access line from station L ~~699+00~~⁶⁶⁹⁺⁰⁰ on the left to station L 687+00 on the left, as shown on Exhibit "A," with type number 2 chain link fence as described at C-16.2 of the Washington

State Standards for Road and Bridge Construction, 1976 edition.

VI

After construction of the 120th Avenue NE extension, the City will maintain said right of way, said maintenance to include enforcement of the access limitation which is shown on Exhibit "A."

VII

As partial consideration for the transfer of the right of way and slope easement, shown on Exhibit "A," the City will defend the State and hold the State harmless from any and all claims and causes of action for damages of every kind and description which may accrue to or be suffered by any person or persons, corporation, or property by reason of the City's design, construction, maintenance, and operation of the 120th Avenue NE extension; and further, the City will defend the State and hold the State harmless from any and all claims and causes of action for damages which may accrue to or be suffered by any abutting property owners by reason of any deviation in the City's plan, or by reason of the City's failure to construct or delay in constructing the extension of 120th Avenue NE. The City agrees that in the event any suit or action is brought against the State for damages arising out of or by reason of any of the above causes, the City will upon notice to it of commencement of such action, defend the same at its sole cost and expense and will satisfy any judgment after the suit or action shall have finally been determined, if adverse to the State.

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

CITY OF KIRKLAND

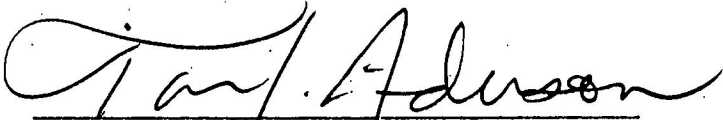


(Signature)

Mayor

(Title)

Attest:



Dir. of Admin. & Finance
(ex officio City Clerk)

STATE OF WASHINGTON
DEPARTMENT OF TRANSPORTATION

Acting Deputy Secretary

Approved as to Form:

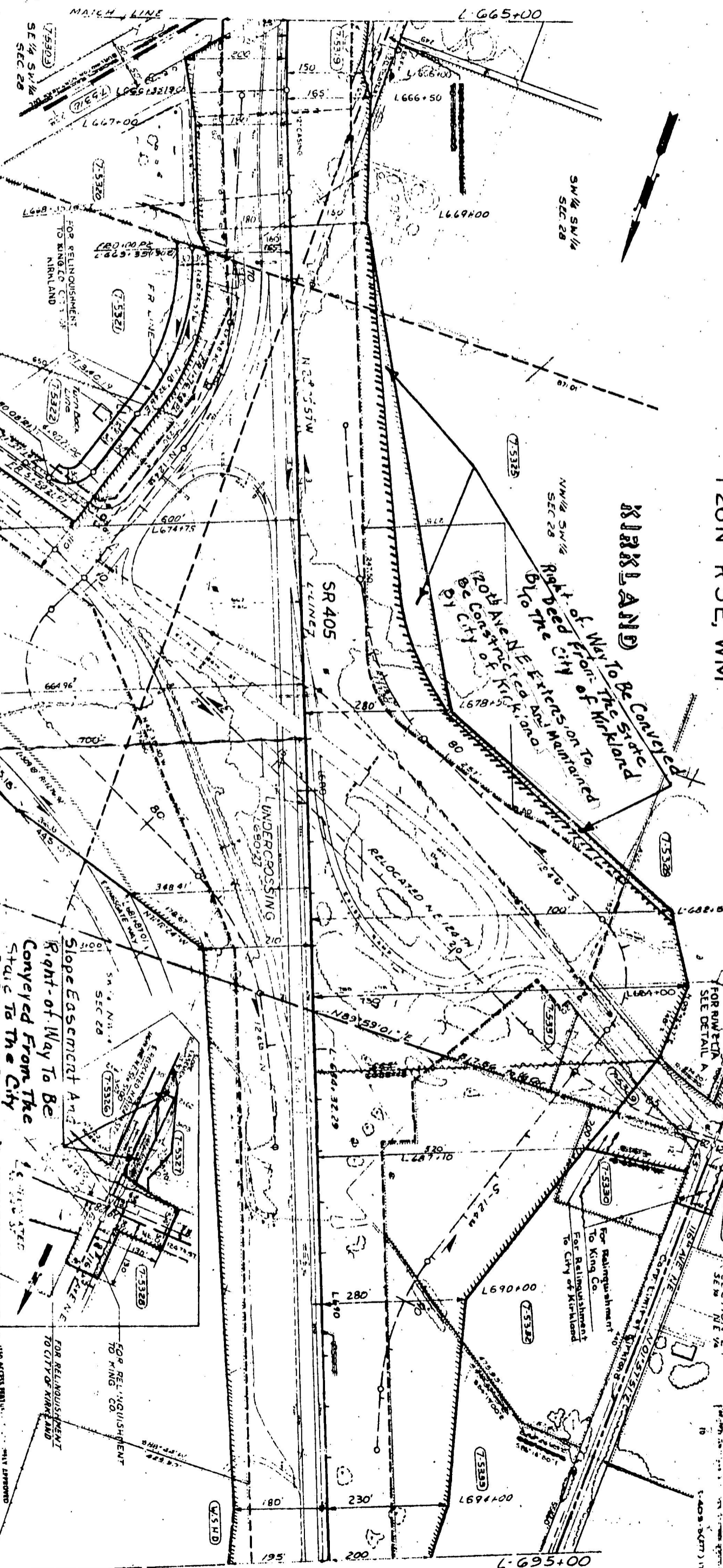
_____, 19__.

By: _____
Assistant Attorney General

T26N R5E, WM

KIRKLAND

Right of Way To Be Conveyed
 Right of Way From The State
 To Be Constructed And Maintained
 By The City of Kirkland
 200' AVE NE EXTENSION TO
 BE CONVEYED TO
 THE CITY OF KIRKLAND



OWNERSHIP	NO.	NAME	TOTAL AREA	DEMAND	STATUS
75303	See Survey	Other			
75304					
75305					
75306					
75307					
75308					
75309					
75310					
75311					
75312					
75313					
75314					
75315					
75316					
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75330					
75331					
75332					
75333					

ROAD APPROACH	SCHEDULE	TYPE
SR 405	STATION ON ROADWAY	A
BOCK	NE 140th St	A
POLE	STATION ON ROADWAY	A

EXHIBIT "A"
 CS 1745 SR 405
 Northrup I/c To NE 140th St.
 City of Kirkland

Slope Easement And
 Right of Way To Be
 Conveyed From The
 State To The City
 of Kirkland By Deed
 DETAIL A

SPIRALS BACK & AHEAD	DE	LS
100'	0'	100'
200'	0'	200'
300'	0'	300'
400'	0'	400'
500'	0'	500'
600'	0'	600'
700'	0'	700'
800'	0'	800'
900'	0'	900'
1000'	0'	1000'

NO.	DESCRIPTION	DATE
1
2
3
4
5
6
7
8
9
10

EXHIBIT A
 Limited Access Established by Commission
 Findings and Order Issued November 23, 1970
 for southern extension of 116th Ave NE.
EXHIBIT A
 Limited Access Established by
 Commission Findings and Order
 Issued July 24, 1967.
EXHIBIT A
 NORTHROP INTERCHANGE TO NE 140TH ST.
 KING COUNTY
 RIGHT OF WAY AND LIMITED ACCESS
 FULLY CONTROLLED
 STA. 65+00 TO STA. 65+00